THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 12 NUMBER 174

Washington, Friday, September 5, 1947

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 901—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

PACK SPECIFICATIONS AND MINIMUM REQUIREMENTS

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238) approved June 11, 1946, notice of proposed pack specifications and minimum requirements with respect to merchantable unshelled walnuts, as formulated by the Walnut Control Board in accordance with the authority vested in it by the marketing agreement, as amended, and section 1 of Article III (§ 901.4 (a) (1)) of the marketing order, as amended (7 CFR 901.1 et seq., 7 CFR, Cum. Supp., 901.4, 901.17, 901.19; 12 F. R. 5033) regulating the handling of walnuts grown in California, Oregon, and Washington, was published in the FEDERAL REGISTER (12 F R. 5400) on August 8, 1947, affording opportunity for interested parties to submit to said Walnut Control Board, 213 Wholesale Terminal Building, Los Angeles 21, California, written data, views, or arguments pertaining thereto for consideration by such board prior to the final issuance of such pack specifications and minimum requirements. After consideration of all relevant matters, it is hereby ordered by said Walnut Control Board, acting pursuant to the aforementioned authority, that such pack specifications and minimum requirements shall be as follows:

§ 901.100 *Pack specifications and minimum requirements for merchantable unshelled walnuts*—(a) *Size and variety or type specifications*—(1) *Varietal packs.* Merchantable walnuts when packed separately by varieties, within a 10 percent tolerance for dissimilar varieties, shall be designated by the recognized variety name or as "Budded" When packed in combination, walnuts of recognized varieties of similar type with respect to shape and construction or varietal derivation, shall also be designated as "Budded"

(i) *Standard sizes*—(a) *Large.* Walnuts of which not over 12 percent by count pass through a round opening $^{78}/_{64}$ inches in diameter.

(b) *Medium.* Walnuts at least 88 percent, by count, of which pass through a round opening $^{78}/_{64}$ inches in diameter and of which not over 12 percent by count pass through a round opening $^{74}/_{64}$ inches in diameter.

(c) *Babies.* Walnuts at least 88 percent, by count, of which pass through a round opening $^{74}/_{64}$ inches in diameter and of which not over 10 percent by count pass through a round opening $^{69}/_{64}$ inches in diameter.

(ii) *Special sizes*—(a) *Mammoth.* Walnuts of which not over 12 percent by count pass through a round opening $^{90}/_{64}$ inches in diameter.

(b) *Jumbo.* Walnuts of which not over 12 percent by count pass through a round opening $^{82}/_{64}$ inches in diameter.

(c) With the exception of Babies, varietal packs shall be designated by both size and variety; i. e., Large Budded, Medium Franquettes, Mammoth Willson Wonders, Jumbo Mayettes, etc.

(d) Babies may be packed separately and designated by variety or Baby sizes of the Eureka, Franquette, and Payne varieties may be packed separately or in combination and designated as Long Type Babies (or Selected Small) Placentia type Babies of which at least 90 percent by count will not pass through a round opening $^{69}/_{64}$ inches in diameter may also be packed separately or in combination with Franquette or Payne varieties and designated as Long Type Babies.

(e) Willson Wonders of Jumbo size may be designated as Extra Large Willson Wonders.

(2) *Seedling or mixed packs.* Walnuts produced from seedling trees or walnuts of recognized varieties of dissimilar types packed in combination, shall be graded in accordance with the same sizes specified for varietal packs and designated, respectively, as Large Soft Shells, Medium Soft Shells, and Baby Soft Shells, except that Baby Soft Shells may be designated as Round Type Babies and the following pack is also authorized:

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

[1] P. L. O. 393.

CODIFICATION GUIDE—Con.

(i) *No. 1's or No. 1 Soft Shell.* Walnuts produced from seedling trees or walnuts containing more than 10 percent of dissimilar varieties and of which not over 12 percent by count pass through a round opening $\frac{7}{64}$ inches in diameter.

(ii) Soft Shells of Mammoth size may be designated as Mammoth Specialty Grade. This designation is specifically provided for walnuts of the Bijou, Klondyke, Mammoth Mayette or other abnormally large varieties packed in combination and meeting the size specifications for "Mammoth"

(b) *External appearance and condition.* Merchantable walnuts must be free of excessively dirty nuts, nuts affected by adhering hulls, dark spots, and nuts having perforated or broken or split shells, except that the following tolerances, by count, shall be permitted within the packs specified: 1st Quality Grade, 10 percent for splits and an additional 5 percent for defects other than splits; 2d and 3d Quality Grades, 10 percent for splits and an additional 10 percent for defects other than splits. In determining the percentage of externally defective walnuts in a lot, all walnuts affected as follows shall be considered as not free from defects:

(1) *Excessively dirty nuts.* Walnuts with shells coated or caked with adhering dirt or other foreign matter so as to seriously damage the appearance. Walnuts with slightly chalky deposits on the shells shall not be considered excessively dirty.

(2) *Adhering hull.* Walnuts the shells of which have adhering to them any portion of the hull.

(3) *Dark spots.* Discoloration or stains contrasting with the color of the remainder of the shell which result in unclean or unsightly appearance or render a given pack of walnuts unattractive.

(4) *Perforated shells.* Walnuts with improperly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall, if an area of surface aggregating more than three-eighths of an inch in diameter is affected.

(5) *Broken shells.* Walnuts with any material portion of the shell missing or with the halves completely broken apart or separated.

(6) *Split shells or splits.* Walnuts with the shell halves completely separated but held together by the kernel.

(c) *Quality grade specifications.* The quality grade of any lot of walnuts shall be the highest quality grade to which such lot is eligible under the following specifications. Within a 5 percent tolerance, no quality grade shall be given any lot of walnuts unless the kernels are well dried (firm and crisp) A kernel, as referred to herein, means all of the non-fibrous content of one individual walnut, i. e., two halves, four quarters, etc. The color chart referred to in these specifications as the WCB color chart is the chart adopted June 15, 1944 by the then Program Committee under War Food Order 82, and is available for inspection at the office of the Walnut Control Board, 213 Wholesale Terminal Building, Los Angeles 21, California.

(1) *First Quality Grade Walnuts.* First Quality Grade walnuts shall contain not less than 90 percent, by count, of nuts, the kernels of which are free from defects, except that not less than 95 percent, by count, shall be free from insect damage. At least 50 percent of the kernels in any lot shall be light in color in accordance with the WCB color chart; only sound kernels shall be scored "light." In determining the percentage of sound kernels in a lot of walnuts for qualification as of First Quality Grade, all walnuts the kernels of which show the following defects shall not be considered as sound:

(i) *Insect damage.* Kernels affected in any way by codling moth larvae, ants, moths, beetles, or any other insects.

(ii) *Moldy kernels.* Kernels showing on their surface, mold readily discernible to the eye, except that kernels bearing a few loose filaments of white or light gray mold which are easily blown off shall not be considered moldy.

(iii) *Shriveled kernels.* Kernels which are noticeably shrunken, leathery or tough as distinguished from kernels which are fully developed. A kernel with one-eighth or more of its surface affected by shriveling shall be considered as noticeably shrunken and scored as unsound. Kernels which are thin in cross section but which otherwise are normally developed shall not be considered shriveled. *Provided,* That with respect to walnuts produced in the states of Oregon and Washington, kernels shriveled one-eighth or more but less than one-half shall be scored one-half sound. However, in any 100 nuts not more than 10 such nuts may be combined to make 5 percent sound; each additional such nut shall count as one percent defective.

(iv) *Blanks.* Walnuts with kernels so shrunken or improperly matured as to be inedible or worthless.

(v) *Rancid kernels.* Kernels which have a decomposed appearance or a rancid taste.

(vi) *Black kernels.* Kernels as dark or darker in color than those illustrated in row "E" of the WCB color chart.

(2) *Second Quality Grade Walnuts.* Second Quality Grade Walnuts shall contain not less than 86 percent, by count, of kernels practically free from defects, except that 90 percent of the kernels shall meet the minimum specifications established herein for Third Quality Grade. At least 30 percent of the kernels in any lot shall be light in color in accordance with the WCB Color Chart; only sound kernels shall be scored "light" In determining the percentage of sound kernels in a lot of walnuts for qualification as of Second Quality Grade, all walnuts showing the defects described under First Quality Grade, shall not be considered as sound, except that:

(i) *Partially moldy kernels.* Kernels affected by a slight covering of white or gray mold which does not affect more than one-fourth of the surface of the kernel will be classed as sound.

(ii) *Shriveled kernels.* The provisions under First Quality Grade for scoring shriveled kernels in walnuts produced in the States of Oregon and Washington shall apply to California walnuts in scoring for shriveling under Second Quality Grade.

(3) *Third quality grade walnuts.* The minimum requirements for this grade are the minimum specifications for quality and soundness for merchantable walnuts. Third Quality Grade shall contain not less than 90 percent, by count, of passable kernels. In determining the percentage of passable kernels in a lot of walnuts, all walnuts, the kernels of which show the following defects, shall not be considered passable:

(i) *Insect damage.* Kernels affected in any way by codling moth larvae, ants, moths, beetles, or any other insects.

(ii) *Moldy kernels.* Kernels on which there is fruiting mold of any description, or mold mycelia affecting more than one-fourth of the surface of the kernel.

(iii) *Shriveled kernels.* Kernels which are edible but so shriveled as to be one-half or less than half the normal size. Each shriveled kernel shall be classed as half sound; that is, two such kernels shall be counted as one sound and one defective kernel.

(iv) *Blanks.* Walnuts with kernels so shrunken or improperly matured as to be inedible or worthless.

(v) *Rancid.* Kernels which have a decomposed appearance or a rancid taste.

It is necessary to make effective not later than September 9, 1947, these pack specifications and minimum requirements so that the packers and inspectors involved may become thoroughly familiar with such regulatory requirements prior to the beginning of the coming shipping season for merchantable unshelled walnuts, which is expected to begin during the latter part of September 1947. Any delay beyond September 9, 1947, in the effective date of these regulatory requirements will, therefore, be impracticable, unnecessary, and contrary to the public interest. (See section 4 (c) of the Administrative Procedure Act, Pub. Law 404, 79th Cong., 2d sess., 60 Stat. 237.) (Sec. 12, 60 Stat. 244, 5 U. S. C., Supp., 1011; 7 CFR 901.4 (a), 12 F R. 5033)

These pack specifications and minimum requirements shall become effective at 12:01 a. m., P. s. t., September 9, 1947.

Issued this 21st day of August 1947.

WALNUT CONTROL BOARD,
[SEAL] W. E. GOODSPEED,
Secretary-Manager.

Approved: August 29, 1947.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F R. Doc. 47-8196; Filed, Sept. 4, 1947; 8:48 a. m.]

[Tokay Grape Order 1, Amdt. 1]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

a. *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.) regulating the handling of Tokay grapes grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and the 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this amended regulation is based became available and the time when this amended regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

b. *Order, as amended.* The provisions in subparagraph (b) (1) of § 951.301 (Tokay Grape Order 1, 12 F. R. 5518) are hereby amended to read as follows:

(1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period beginning at 12:01 a. m., P. s. t., August 16, 1947, and ending at 12:01 a. m., P. s. t., December 1, 1947, no shipper shall ship:

(i) From the Florin District, any Tokay grapes produced in such district which do not meet the grade and size requirements of U. S. No. 1 Table Grapes, as defined in the United States Standards for Table Grapes (11 F. R. 13568) *Provided,* That, in addition to the tolerances provided for said U. S. No. 1 Table Grapes, there shall be allowed, for each container of Tokay grapes, an aggregate tolerance of ten (10) percent, by weight, for defects not consid-

ered serious damage, and for bunches smaller than the minimum size specified for said U. S. No. 1 Table Grapes; or

(ii) From the Lodi District, any Tokay grapes produced in such district which do not meet the grade and size requirements of U. S. No. 1 Table Grapes, as defined in the aforesaid United States Standards.

(2) During the period beginning at 12:01 a. m., P. s. t., September 6, 1947, and ending at 12:01 a. m., P. s. t., September 8, 1947, no shipper shall ship, from the Florin District or the Lodi District, any Tokay grapes produced in the State of California which do not meet the grade and size requirements of U. S. Fancy Table Grapes, as defined in the aforesaid United States Standards: *Provided,* That Tokay grapes, if otherwise meeting the requirements of the said grade, may be shipped only if the least mature bunches of grapes shall show a sugar test of not less than 22 percent soluble solids in juice, as determined by the Balling or Brix scale hydrometer.

c. *Effective time.* The provisions hereof shall become effective at 12:01 a. m., P. s. t., September 6, 1947. However, nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Tokay Grape Order 1 (12 F. R. 5518) or (2) as releasing or extinguishing any violation of said Tokay Grape Order 1 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 951.1 et seq.)

Done at Washington, D. C., this 4th day of September 1947.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-8275; Filed, Sept. 4, 1947; 12:13 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 48-0]

PART 48—OPERATION OF MOORED BALLOONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of August 1947.

Moored balloons are now being flown in sufficient numbers to endanger aircraft in flight. Control of such a hazard is necessary and should be established by the promulgation of regulations.

The purpose of this regulation is to safeguard air traffic by restricting the operation of certain sizes of moored balloons.

Effective September 28, 1947, the Civil Air Regulations are amended by adding a new Part 48 to read as follows:

Sec.
48.00 Scope.
48.01 General.
48.02 Operation requiring permit.
48.03 Operation requiring notice.
48.04 Rapid deflation device.

AUTHORITY: §§ 48.00 to 48.04, inclusive, issued under 52 Stat. 984, 1007; 49 U. S. C. 425, 551.

§ 48.00 *Scope.* The following regulations in this part shall apply to moored balloons having a diameter of more than 6 feet or a gas capacity of more than 115 cubic feet when operated anywhere in the United States, including the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying airspace thereof.

§ 48.01 *General.* Moored balloons having a diameter of more than 6 feet or a gas capacity of more than 115 cubic feet may be operated without permit from or notice to the Administrator when operated less than 150 feet above the surface at a location more than 5 miles from the boundary of an airport. Balloons of smaller size than specified above are exempt from compliance with the Civil Air Regulations.

§ 48.02 *Operation requiring permit.* Unless operated under the conditions specified in § 48.01 moored balloons subject to the regulations in this part shall be operated under the authority of and in compliance with the terms and conditions of a permit issued by the Administrator when such moored balloons are operated:

(a) Closer than 500 feet to the base of any cloud, or

(b) During the hours of darkness, or

(c) When ground visibility is less than 3 miles, or

(d) At altitudes more than 500 feet above the surface, or

(e) Within 5 miles of the boundary of an airport.

§ 48.03 *Operation requiring notice.* Unless operated under the conditions specified in §§ 48.01 or 48.02, written notice must be submitted to the nearest office of the Civil Aeronautics Administration at least 30 days prior to the date of operation when moored balloons subject to the regulations in this part are operated between 150 and 500 feet above the surface. Such notice shall contain the name and address of the owner and person operating the balloon, the date or dates of the proposed operation, and the location and altitude at which the proposed operation will be conducted.

§ 48.04 *Rapid deflation device.* No moored balloon having a diameter of more than 6 feet or a gas capacity of more than 115 cubic feet shall be operated unless it is equipped with a device or means of automatic and rapid deflation in the event of an escape from its moorings.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-8216; Filed, Sept. 4, 1947; 9:47 a. m.]

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

PART 11—ORGANIZATION AND FUNCTIONS OF THE OFFICE OF THE SECRETARY

Part 11 (11 F. R. 177A-302, 12 F. R. 3736) is amended by the addition of the following sections:

Sec.
11.901 Division of Liquidation; Liquidation Procedural Regulation No. 1.
11.902 Protests.
11.903 Right to protest.
11.904 Statutory period of limitation upon the filing of protests.
11.905 Dismissal of protests.
11.906 Action by representative.
11.907 Place for filing protests.
11.908 Form of protest and number of copies.
11.909 Assignment of docket number.
11.910 Protest and evidential material not conforming to §§ 11.901 to 11.931, inclusive.
11.911 Joint protests.
11.912 Consolidation of protests.
11.913 Amendment of protests and presentation of additional evidence.
11.914 Action by the Director on protest.
11.915 Basis for determination of protest.
11.916 Contents of protests.
11.917 Affidavits or other written evidence in support of protest.
11.918 Receipt of oral testimony.
11.919 Submission of brief by protestant.
11.920 Material in support of the regulation or order protested.
11.921 Boards of review.
11.922 Determination of protest; opinion denying protest in whole or in part.
11.923 Interpretations.
11.924 Service of papers.
11.925 Secretary; office hours.
11.926 Confidential information; inspection of documents filed with the Division of Liquidation, Department of Commerce.
11.927 Appearance of employees and former employees before the Division of Liquidation, Department of Commerce.
11.928 Definitions.
11.929 Amendment of §§ 11.901 to 11.931, inclusive.
11.930 Effect of §§ 11.901 to 11.931, inclusive (Liquidation Procedural Regulation No. 1) on Revised Procedural Regulation No. 1.
11.931 Effective date of §§ 11.901 to 11.931, inclusive.

AUTHORITY: §§ 11.901 to 11.931, inclusive, issued under secs. 201 (d), 203, 56 Stat. 29, 31, sec. 3, 60 Stat. 238; 50 U. S. C., App., Sup., 921, 923, 5 U. S. C., Sup., 1002; E. O. 9841, April 23, 1947, 12 F. R. 2645; Department Order 75, 12 F. R. 3736.

§ 11.901 *Division of Liquidation, Liquidation Procedural Regulation No. 1.* Sections 11.902 to 11.931, inclusive, govern the procedure for the interpretation and protest of price regulations and orders pursuant to the Emergency Price Control Act of 1942, as amended.

§ 11.902 *Protests.* A protest is the means provided by section 203 (a) of the act for making formal objections to a maximum price regulation or order. Ordinarily, the filing of a protest is also a prerequisite to obtaining judicial re-

view by the Emergency Court of Appeals of the validity of a maximum price regulation or order. The only other method of obtaining judicial review is the filing of a complaint in the Emergency Court of Appeals after obtaining special leave to do so in an enforcement proceeding pursuant to section 204 (e) of the act.

§ 11.903 *Right to protest.* Any person subject to any provision of a maximum price regulation or order may file a protest against such provision in the manner set forth. A person is, for the purposes of §§ 11.901 to 11.931, inclusive, subject to a provision of a maximum price regulation only if such provision prohibits or requires action by him; *Provided, however,* That a producer of an agricultural commodity shall be considered to be subject to a maximum price regulation for the purposes of asserting any right created by section 3 (c) of the Emergency Price Control Act of 1942 or section 3 of the Stabilization Act of 1942, as amended, for the benefit of producers of such an agricultural commodity: *Provided further* That non-producers of agricultural commodities shall not be considered to be subject to a maximum price regulation for the purpose of asserting any right created by sections 3 (a) or 3 (e) of the Emergency Price Control Act of 1942, as amended, or section 3 of the Stabilization Act of 1942, as amended.

§ 11.904 *Statutory period of limitation upon the filing of protests.* Public Law 271, 80th Congress, 1st Session, approved July 30, 1947, amended section 203 (a) of the Emergency Price Control Act of 1942, as amended, to provide limitations upon the filing of protests against regulations, orders, or price schedules, with respect to which responsibility was transferred to the Department of Commerce by Executive Order 9841. Accordingly, all such protests must be filed within one hundred and twenty (120) days after issuance of the regulation, order or price schedule, or on or before September 29, 1947, whichever is the later.

§ 11.905 *Dismissal of protests.* Any protest filed by a person not subject to the provisions of a regulation or order protested, any protest filed after the expiration of the statutory period of limitation, any protest filed after undue delay, any protest which does not present a case or controversy within the meaning of Article III of the Constitution of the United States, or any protest which otherwise is not in accordance with this procedural regulation or the Emergency Price Control Act of 1942, as amended, may be dismissed by the Director without consideration on the merits.

§ 11.906 *Action by representative.* Any action which by §§ 11.901 to 11.931, inclusive, is required of, or permitted to be taken by, a protestant may, unless otherwise expressly stated, be taken on his behalf by any person whom the protestant has by written power of attorney authorized to represent him. Such power of attorney, signed by the protestant, shall be filed with the protest.

§ 11.907 *Place for filing protests.* (a) Protests shall be filed with the Secretary, Division of Liquidation, Department of Commerce, Washington, D. C.

(b) Protests shall be deemed filed on the date received by the Secretary, Division of Liquidation, Department of Commerce, Washington, D. C.

§ 11.908 *Form of protest and number of copies.* Every protest shall contain upon the first page thereof a heading or title clearly designating it as a protest. The protest shall also contain on the first page thereof the number of the maximum price regulation or order against a provision of which the protest is directed. Five copies of the protest and of all accompanying documents and briefs shall be filed.

§ 11.909 *Assignment of docket number* Upon receipt of a protest it shall be assigned a docket number, of which the protestant shall be notified, and all further papers in the proceedings shall contain on the first page thereof the docket number so assigned and the number of the maximum price regulation or order protested.

§ 11.910 *Protest and evidential material not conforming to §§ 11.901 to 11.931, inclusive.* In any case where a protest or accompanying evidential material does not conform, in a substantial respect, to §§ 11.901 to 11.931, inclusive, the Director may dismiss such protest, or, in his discretion, may strike such evidential material from the record of the proceedings in connection with the protest.

§ 11.911 *Joint protests.* Two or more persons may file a joint protest. Joint protests shall be filed and determined in accordance with the rules governing the filing and determination of protests filed by one person. A joint protest shall be verified in accordance with § 11.916 (a) (7) by each protestant. A joint protest may be filed only where at least one ground is common to all persons joining in it. Whenever the Director deems it to be necessary or appropriate for the disposition of joint protests, he may treat such joint protests as several, and, in any event, he may require the filing of relevant materials by each individual protestant.

§ 11.912 *Consolidation of protests.* Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more protest proceedings, the Director may consolidate such proceedings.

§ 11.913 *Amendment of protests and presentation of additional evidence.* In general, all of the objections upon which a protestant intends to rely in the protest proceedings must be clearly stated in the protest when it is filed and all of the evidence which the protestant wishes to offer in support of the protest must be filed at the same time. Exceptions to this rule are stated in § 11.917 and § 11.918 relating to evidence not subject to protestant's control and the submission of oral testimony. A protestant may, however, prior to the expiration of the statutory period of limitations, be granted permission to amend his protest so as to state additional objections or to present further evidence in connection therewith upon a showing of reasonable excuse for failure to present such objections, or evidence, at the time the protest was first filed. The permission will be granted only if, in the judgment of the Director, it will not unduly delay the completion of the proceedings on the protest.

§ 11.914 *Action by the Director on protest.* (a) Within a reasonable time after the filing of any protest in accordance with §§ 11.901 to 11.931, inclusive, but in no event more than thirty days after such filing, the Director shall:

(1) Grant or deny such protest in whole or in part;

(2) Notice such protest for hearing or oral testimony in accordance with § 11.918 or § 11.920 (d)

(3) Notice such protest for hearing of oral argument by a board of review in accordance with § 11.921 (d)

(4) Provide an opportunity to present further evidence in connection with such protest. Within a reasonable time after the presentation of such further evidence, the Director may notice such protest for hearing of oral testimony in accordance with subparagraph (2) of this paragraph, notice the protest for hearing of oral argument by a board of review in accordance with subparagraph (3) of this paragraph, include additional material in the record of the proceedings on the protest in accordance with § 11.920 (b), or take such other action as may be appropriate to the disposition of the protest.

(b) Notice of any such action taken by the Director shall promptly be served upon the protestant.

(c) Where the Director has ordered a hearing on a protest or has provided an opportunity for the presentation of further evidence in connection therewith, he shall, within a reasonable time after the completion of such hearing or the presentation of such evidence, grant or deny such protest in whole or in part.

§ 11.915 *Basis for determination of protest*—(a) *Record of the proceedings.* The factual basis upon which a protest is determined is to be found in the record of the proceedings. This record consists of the following:

(1) The protest and supporting evidential material properly filed with the Secretary of the Division of Liquidation, Department of Commerce, in accordance with §§ 11.916 and 11.917.

(2) Materials incorporated into the record of the proceedings by the Director under § 11.920;

(3) Oral testimony taken in the course of the proceedings in accordance with §§ 11.918 and 11.920 (d)

(4) All orders and opinions issued in the course of the proceedings;

(5) The statement of considerations accompanying the maximum price regulation protested; and

(6) If the protest is to an order denying an application for adjustment under a provision of a maximum price regulation, the application, materials filed in support thereof in accordance with the provisions of the maximum price regulation, and the order and opinion denying the application.

(b) *Facts of which the Director has taken official notice.* The documents listed in paragraph (a) of this section may contain, as provided by section 202 (b) of the act, statements of economic data and other facts of which the Director has taken official notice, including facts found by him as a result of reports filed and studies and investigations made pursuant to section 202 of the act.

(c) *Briefs and arguments.* Briefs and oral arguments submitted or presented in accordance with §§ 11.901 to 11.931, inclusive, are, of course, considered in the determination of a protest. They are, however, not a part of the record of the proceedings and are not included in the transcript of protest proceedings which is filed, in case of appeal, with the Emergency Court of Appeals.

§ 11.916 *Contents of protests*—(a) *What each protest must contain.* Every protest shall set forth the following:

(1) The name and the post office address of the protestant, the nature of his business, and the manner in which the protestant is subject to the provision of the maximum price regulation or order protested;

(2) The name and post office address of any person filing the protest on behalf of the protestant and the name and post office address of the person to whom all communications from the Division of Liquidation, Department of Commerce, relating to the protest shall be sent;

(3) A complete identification of the provision or provisions protested, citing the number of the maximum price regulation or order, the section or sections thereof to which objection is made, and the date of issuance thereof;

(4) A clear and concise statement of all objections raised by the protestant against the provision or provisions protested, each such objection to be separately stated and numbered;

(5) A clear and concise statement of all facts alleged in support of each objection;

(6) A statement of the relief requested by the protestant, including, if the protestant requests modification of a provision of the maximum price regulation, the specific changes which he seeks to have made in the provision;

(7) A statement signed and sworn to (or affirmed) before an officer authorized to take oaths either by the protestant personally, or, if a partnership, by a partner, or, if a corporation or association, by a duly authorized officer, that the protest and the documents filed therewith are prepared in good faith and that the facts alleged are true to the best of his knowledge, information and belief. The protestant shall specify which of the facts are alleged and known to be true and which are alleged on information and belief.

(b) *Request for consideration by a board of review.* A protestant who wishes his protest considered by a board of review must specifically so request in his protest.

§ 11.917 *Affidavits or other written evidence in support of protest.* Every protestant shall file, together with his protest, the following:

(a) Affidavits setting forth in full all the evidence the presentation of which is subject to the control of the protestant upon which the protestant relies in support of the facts alleged in the protest. Each such affidavit shall state the name, post office address, and occupation of the affiant; his business connection, if any, with the protestant; and whether the facts set forth in the affidavit are stated from personal knowledge or on information and belief. In every instance the affiant shall state in detail the sources of his information.

(b) A statement by the protestant in affidavit form setting forth in detail the nature and sources of any further evidence, not subject to his control, upon which he believes he can rely in support of the facts alleged in his protest. Such statement shall be accompanied by an application for assistance; by way of subpoena, interrogatories, or otherwise, in obtaining the documentary evidence, or the evidence of persons, not subject to protestant's control, showing, in any case, what material facts would be adduced thereby. Such application, if calling for the evidence of persons, shall specify the name and address of each person, and the facts to be proved by him, and if calling for the production of documents, shall specify them with sufficient particularity to enable them to be identified for purposes of production.

§ 11.918 *Receipt of oral testimony.* (a) In most cases, evidence in protest proceedings will be received only in written form. Experience in the consideration of protests has demonstrated that this procedure is most conducive to the fair and expeditious disposition of protests. However, the protestant may request the receipt of oral testimony. Such request shall be accompanied by a showing by the protestant as to why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the protest.

(b) In the event that the Director orders the receipt of oral testimony, notice shall be served on the protestant not less than five days prior to the receipt of such testimony. If a hearing is to be held to receive the testimony, the notice shall state the time and place of the hearing and the presiding officer designated by the Director.

(c) A stenographic report of any hearing of oral testimony shall be made, a copy of which shall be available during business hours in the Office of the Secretary, Division of Liquidation, Department of Commerce, Washington, D. C.

§ 11.919 *Submission of brief by protestant.* The protestant may file with his protest and accompanying evidential material a brief in support of the objections set forth in the protest. Such brief shall be submitted as a separate document, distinct from the protest and evidential material.

§ 11.920 *Material in support of the regulation or order protested* (a) *Statement of considerations.* The statement of considerations accompanying a maximum price regulation at the time of issuance contains economic and other material supporting the regulation. This statement is a document of public record, filed with the Division of the Federal Register. It is considered a part of the record of protest proceedings without formal incorporation therein.

(b) *Incorporation of material in the record by the Director* In addition to the statement of considerations, the Director shall include in the record of the proceedings on the protest such evidence, in the form of affidavits or otherwise, as he deems appropriate in support of the provisions against which the protest is filed. When such evidence is incorporated into the record, and is not so incorporated at a hearing of oral testimony, copies thereof shall be served upon the protestant and the protestant will be given a reasonable opportunity to present evidence in rebuttal thereof.

(c) *Other written evidence in support of the maximum price regulation.* Any person affected by the provisions of a maximum price regulation may submit to the Director a statement in support of any such provision or provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the maximum price regulation or order in question, and may be accompanied by affidavits and other data in written form. Each such supporting statement shall conform to the requirements of § 11.908.

In the event that a protest has been, or is subsequently, filed to a provision of a maximum price regulation in support of which a statement has been submitted, the Director may include such statement in the record. If such supporting statement is incorporated into the record, and is not so incorporated at a hearing of oral testimony, copies of such supporting statement shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.

(d) *Receipt of oral testimony in support of the regulation.* Ordinarily, material in support of the maximum price regulation protested, like material in support of protests, will be received in the protest proceeding only in written form. Where, however, the Director is satisfied that the receipt of oral testimony is necessary to the fair and expeditious disposition of the protest, he may, on his own motion, direct such testimony to be received. In that event, the oral testimony will be taken in the manner provided in § 11.918.

§ 11.921 *Boards of review*—(a) *Right to consideration by a board of review.* Under section 203 (c) of the act, a protest filed after September 1, 1944, must, upon the protestant's request, be considered by a board of review before it can be denied in whole or in part. Consideration of the record in a protest proceeding by a board of review is undertaken for the purpose of reconsidering the provision or provisions of the maximum price regulation or order protested and recommending action relative thereto to the Director. A board of review considers the protest upon the basis of the record which has previously been developed in the proceedings. Protestant

is accorded an opportunity to present oral argument to a board, upon the basis of the objections raised in the protest and the evidence in the record, and guided by the explanatory statement of the issues in the notice of consideration by a board of review.

(b) *Composition of boards of review.* A board of review is composed of one or more officers or employees of the Division of Liquidation, Department of Commerce, designated by the Director to review the record of the proceedings on a particular protest and make recommendations to him as to its disposition. The number of members constituting a board will be determined in the light of the scope and complexity of the issues presented. The protestant will be advised of the membership of a board considering his protest in the notice of consideration by a board provided for in paragraph (d) of this section. When necessitated by incapacity of a member or other good cause, the Director may make substitutions in the membership of the board as originally constituted.

(c) *Where boards of review hear oral argument.* Ordinarily a board of review will hear oral argument in Washington, D. C., unless compelling reasons are shown by the protestant for the holding of oral argument in another locality, in which case the oral argument will be heard by either a board of review consisting of a single member or a subcommittee consisting of a single member of a three member board of review.

(d) *Notice of consideration by a board of review.* Before denial of any protest in whole or in part in which the protestant has requested consideration by a board of review in accordance with § 11.916 (b), which has not subsequently been waived by the protestant, notice of consideration by a board of review will be sent by registered mail to the protestant. Sending of the notice marks a close of the record of the evidence in a protest proceeding. The notice will indicate the issues thought to be determinative of the case which may serve as a guide to the protestant in planning oral argument. The notice of consideration shall contain, or be accompanied by, the following items, as nearly as the circumstances permit:

(1) Information identifying the protest, including the maximum price regulation being protested and the docket number;

(2) A list of the documents comprising the completed record of the proceeding;

(3) A brief statement of the issues involved;

(4) A statement of the time (which shall not be less than seven days from the date of the mailing of the notice) and place where a board of review or a subcommittee thereof will hear oral argument.

(5) A list of persons comprising the board of review which is thereby appointed to consider the protest, with their official titles.

(e) *Waiver of right to consideration in whole or in part.* A protestant who has properly requested consideration by a board of review in accordance with § 11.916 (b) may, if he so desires, waive his right to consideration by a board. If he chooses, he may have his protest considered by a board, waiving his right to oral argument before a board. Such waiver shall be in writing and shall constitute a part of the record of proceedings on the protest. Failure of a protestant to appear at a hearing of oral argument, which he has not waived in accordance with the foregoing, at the time and place specified in the notice of consideration, shall unless a reasonable excuse is shown, also constitute waiver of his right to consideration by a board. Unexcused failure to appear at a hearing of oral argument shall be noted on the record of proceedings. A waiver by less than all of a group of joint protestants shall not affect the rights of a protestant who has made no waiver.

(f) *Hearing of oral argument.* Argument before a board of review by a protestant shall ordinarily be limited to one hour except for good cause shown. Where the magnitude of the issues involved warrants more extended discussion, or where the protestants are numerous, the board may extend or limit the time of each protestant in its discretion. A board may exclude specific argument deemed to be irrelevant to the objections set forth in the protest or unsupported by any evidence in the record. Hearings of argument will be open to the public. Where argument is to be heard by a board of review consisting of more than one member, a majority of such board shall constitute a quorum.

A stenographic report of all hearings of oral argument by boards of review or subcommittees thereof shall be taken. The report will be transcribed at the direction of the board if a transcription is desired to facilitate consideration of the protest. The report will ordinarily be transcribed if the argument is heard by a subcommittee of a board. If the report is transcribed, a copy shall be available for inspection during business hours in the Office of the Secretary, Division of Liquidation, Department of Commerce, Washington, D. C. Protestants who wish a copy of the report may obtain it by requesting the reporter at the hearing to make a copy for them and paying the cost thereof.

(g) *Action by boards of review at the conclusion of their consideration of a protest.* Within a reasonable time after the hearing of oral argument or after the closing of the record, if such argument has been waived, a board of review shall submit its recommendations in writing to the Director as to the disposition of the protest. The recommendations of a majority of the members of a board shall constitute the recommendations of the board but the disagreement of any member with the recommendations shall be expressly noted. The protestant will be advised of the recommendations of the board in an appendix to the Director's opinion disposing of the protest or closing the docket. Copies of these documents containing a board's recommendations will be sent to the protestant by registered mail. A board of review shall have authority to recommend to the Director that the protest be granted or denied in whole or in part. If it is the opinion of the board that the record in the proceeding should be expanded, it may refer the record of the proceeding to the Director in order that the Director may consider permitting the amendment of the protest or the receipt of additional evidence. Records will, however, be reopened only in very exceptional circumstances.

(h) *Action by Director after receipt of board of review's recommendations.* After receipt of a board of review's recommendations as to the disposition of the protest, the Director shall, within a reasonable time, grant or deny the protest in whole or in part.

§ 11.922 *Determination of protest; opinion denying protest in whole or in part.* In the event that the Director denies any protest in whole or in part, the protestant shall be informed of any economic data or other facts of which he has taken official notice, the grounds upon which such decision is based, and (if the protest has been considered by a board of review) the recommendations of a board of review and, if any recommendation of such a board has been rejected, the reason for rejection.

§ 11.923 *Interpretations*—(a) *In general.* An interpretation rendered by an officer of the Division of Liquidation, Department of Commerce, with respect to any provision of the act or of any regulation, price schedule, order, requirement, or agreement thereunder, will be regarded by the Division of Liquidation, Department of Commerce, as official only if such interpretation was requested and issued in accordance with this section. Action taken in reliance upon and in conformity with an official interpretation and prior to any revocation or modification thereof or to any superseding thereof by order or amendment, shall constitute action in good faith pursuant to the provision of the act, or of the regulation, price schedule, order, requirement or agreement to which such official interpretation relates. An official interpretation shall be applicable only with respect to the particular person to whom, and to the particular factual situation with respect to which, it is rendered, unless publicly announced as an interpretation of general application.

(b) *Requests for interpretations; form and contents.* Any person desiring an official interpretation of the Emergency Price Control Act of 1942 or any regulation, price schedule, order, requirement or agreement thereunder shall request it in writing from the Division of Liquidation, Department of Commerce, Washington, D. C. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall, so far as is practicable, state the names and post office addresses of the persons involved. If the inquirer has previously requested an interpretation on the same or substantially the same facts, his request shall so indicate and shall name the official or office to whom his previous request was addressed. If the interpretation will affect operations of establishments located in more than one state, the request shall name the states in which the establishments are located. No interpretation

shall be requested or given with respect to any hypothetical situation or in response to any hypothetical question.

(c) *Interpretation to be written; authorized officials.* Official interpretations shall be given only in writing, signed by one of the following officers of the Division of Liquidation, Department of Commerce: The Director, or the General Counsel.

(d) *Revocation or modification of interpretation.* Any official interpretation, whether of general application or otherwise, may be revoked or modified by publicly announced statement by any official authorized to announce such interpretations or by a statement or notice published in the FEDERAL REGISTER. An official interpretation addressed to a particular person may also be revoked or modified at any time by a statement in writing mailed to such person and signed by the Director or the General Counsel of the Division of Liquidation, Department of Commerce.

§ 11.924 *Service of papers.* Notices, orders and other process and papers may be served personally or by leaving a copy thereof at the principal office or place of business of the person to be served; or by registered mail, or by telegraph. When service is made personally or by leaving a copy at the principal office or place of business, the verified return of the person serving or leaving the copy shall be proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall be proof of service.

§ 11.925 *Secretary; office hours.* The Office of the Secretary, Division of Liquidation, Department of Commerce, Washington, D. C., shall be open, on week days (except Saturdays) from 9 a. m. until 5 p. m. Any person desiring to file any papers, or to inspect any documents filed with the Secretary at any time other than the regular office hours stated, may file a written application with the Secretary requesting permission therefor.

§ 11.926 *Confidential information, inspection of documents filed with the Division of Liquidation, Department of Commerce.* All protests and orders and opinions in connection therewith are open to inspection in the Office of the Secretary, upon such reasonable conditions as the Secretary may prescribe. Information submitted in a protest proceeding with a request for confidential treatment, and confidential material incorporated by the Director into a protest proceeding will be treated as confidential to the extent consistent with the proper conduct of the protest proceeding. In the event of a complaint being filed in the Emergency Court of Appeals, such information and such material will be included in the transcript of the protest proceeding to the extent that it is material under the complaint. To the extent that this section provides for the disclosure of confidential information, it shall be deemed a determination by the Director, pursuant to section 202 (h) of the Emergency Price Control Act that the withholding of such information would be contrary to the interests of the national defense and security.

§ 11.927 *Appearance of employees and former employees before the Division of Liquidation, Department of Commerce.* Appearance of employees and former employees of the Division of Liquidation, Department of Commerce, or its predecessor agencies in a representative capacity before the Division of Liquidation, Department of Commerce, shall continue to be governed by the provisions of Procedural Regulation No. 14.[1]

§ 11.928 *Definitions.* As used in §§ 11.901 to 11.931, inclusive, unless the context otherwise requires, the term:

(a) "Act" means the Emergency Price Control Act of 1942, as amended.

(b) "Director" means the Director of the Division of Liquidation, Department of Commerce, or such person as he may appoint or designate to carry out any of the duties delegated to him by the act and Department Order 75.

(c) "FEDERAL REGISTER" means the publication provided for by the act of July 26, 1935 (49 Stat. 500) as amended.

(d) "Maximum price regulation" means any regulation or order establishing a maximum price or prices and shall include a "revised price schedule" or "temporary maximum price regulation."

(e) "Date of issuance" with respect to a maximum price regulation, means the date on which such maximum price regulation is filed with the Division of the Federal Register, except that, in the case of protests, the "date of issuance" of an order of denial of an application for adjustment which has not been filed with the Division of the Federal Register shall be the date on which such order of denial was mailed to the applicant.

(f) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(g) "Protestant" means a person subject to any provision of a maximum price regulation or price schedule who files a protest in accordance with section 203 (a) of the act.

(h) "Hearing" means any formal or informal opportunity to present evidence which may be ordered by the Director in connection with any action or proceedings related to price control.

§ 11.929 *Amendment of §§ 11.901 to 11.931, inclusive.* Any provision of §§ 11.901 to 11.931, inclusive, may be amended or revoked by the Director at any time. Such amendment or revocation shall be published in the FEDERAL REGISTER and shall take effect upon the date of its publication unless otherwise specified therein.

§ 11.930 *Effect of §§ 11.901 to 11.931, inclusive (Liquidation Procedural Regulation No. 1) on Revised Procedural Regulation No. 1.*[1] Revised Procedural Regulation No. 1 to the extent that it is inconsistent with §§ 11.901 to 11.931, inclusive, is hereby revoked.

§ 11.931 *Effective date of §§ 11.901 to 11.931, inclusive.* Sections 11.901 to 11.931, inclusive, shall become effective upon the date of publication in the FEDERAL REGISTER.

[SEAL] EARL W CLARK,
Director, Division of Liquidation, Department of Commerce.

[F. R. Doc. 47-8197; Filed, Sept. 4, 1947; 8:48 a. m.]

[1] Issued by Office of Price Administration, 9 F. R. 1594, 11 F. R. 7130.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5150]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

TEMPLE BAR COLLEGE ET AL.

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Individual or private business as educational, religious or research institutions:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Nature:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Scientific or other relevant facts:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Success, use or standing:* § 3.72 (p) *Offering deceptive inducements to purchase or deal—Undertakings, in general.* In connection with the offering for sale, sale and distribution of courses of study and instruction in liberal arts, religious subjects, and other subjects of higher learning, and in the issuance of degrees, in commerce, representing, directly or by implication, that respondents (1) are offering for sale or sell courses of study and instruction in an accredited educational institution of higher learning; (2) that respondents can supply purchasers with a degree issued by a duly qualified and accredited educational institution of higher learning authorized to confer academic or scientific titles or rank without the necessity of pursuing a regular course of resident study at such qualified and accredited institution of higher learning; (3) that any correspondence school, without a recognized and qualified faculty, is an accredited institution or that it is authorized to confer academic or scientific degrees; (4) that the degrees or similar documents, issued by any correspondence school without a recognized and qualified faculty are recognized by any reputable college or university prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Temple Bar College et al., Docket 5150, July 3, 1947]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 3d day of July A. D. 1947.

[1] Issued by Office of Price Administration, 9 F. R. 10476, 13715, 10 F R. 11295, 12 F R. 1106.

In the Matter of Temple Bar College, a Corporation, Hilmer B. Sandine, Individually and as Vice President of Temple Bar College; L. B. Rennewanz and J. O. Kinnaman

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission; answers of the respondents, testimony and other evidence in support of the allegations of the complaint taken before Andrew B. Duvall and Miles J. Furnass, trial examiners of the Commission theretofore duly designated by it, report of trial examiner Andrew B. Duvall upon the evidence, and briefs filed in support of the complaint and brief and supplementary brief filed by respondents Temple Bar College, a corporation, and Hilmer B. Sandine, and oral argument of counsel, and the Commission having made its findings as to the facts and its conclusion that the respondents L. B. Rennewanz and J. O. Kinnaman have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents L. B. Rennewanz and J. O. Kinnaman, individuals, and their respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of study and instruction in liberal arts, religious subjects, and other subjects of higher learning, and in the issuance of degrees, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents are offering for sale or sell courses of study and instruction in an accredited educational institution of higher learning.

2. Representing, directly or by implication, that respondents can supply purchasers with a degree issued by a duly qualified and accredited educational institution of higher learning authorized to confer academic or scientific titles or rank without the necessity of pursuing a regular course of resident study at such qualified and accredited institution of higher learning.

3. Representing, directly or by implication, that any correspondence school, without a recognized and qualified faculty, is an accredited institution or that it is authorized to confer academic or scientific degrees.

4. Representing, directly or by implication, that the degrees or similar documents, issued by any correspondence school without a recognized and qualified faculty are recognized by any reputable college or university.

It is further ordered, That the complaint herein be, and it hereby is, dismissed without prejudice as to the respondents Temple Bar College, a corporation, and Hilmer B. Sandine, individually and as Vice-President of Temple Bar College.

It is further ordered, That respondents L. B. Rennewanz and J. O. Kinnaman shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 47-8199; Filed, Sept. 4, 1947; 8:48 a. m.]

[Docket No. 5425]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

KIDDIELAND STUDIOS AND BEACON STUDIOS

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Nature:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Sample, offer or order conformance:* § 3.69 (c) *Misrepresenting oneself and goods—Prices—Usual as reduced or to be increased:* § 3.71 (f) *Neglecting, unfairly or deceptively, to make material disclosure—Terms and conditions:* § 3.72 (g 10) *Offering deceptive inducements to purchase or deal—Limited offers or supply:* § 3.72 (m 10) *Offering deceptive inducements to purchase or deal—Sample, offer or order conformance:* § 3.72 (n) *Offering deceptive inducements to purchase or deal—Special offers, savings and discounts:* § 3.72 (n 10) *Offering deceptive inducements to purchase or deal—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase or deal—Undertakings, in general.* In connection with the offering for sale, sale, and distribution of plain, tinted, or colored photographs or enlargements thereof in commerce, (1) representing, directly or by implication, that the price at which any of respondent's products is offered for sale is a special or introductory or limited offer or a reduced price when such price is in fact the price at which said product is regularly and usually sold; (2) representing, through the use of coupons or otherwise, that a photograph of a designated kind and character will be made for a stipulated price, unless this is in fact done without the imposition or attempted imposition of conditions not stated when the offer is made; (3) exhibiting to prospective customers as samples of respondent's products any photographs or pictures which are not in fact representative of the pictures sold by respondent; (4) representing, directly or by implication, that a picture to be made and delivered will be equal in type, quality, or workmanship to samples displayed to the customer, unless the picture delivered is in fact equal in type, quality, or workmanship to such samples; (5) representing that photographs will be taken, proofs exhibited, or finished pictures delivered at specified times except when such representations are made in good faith and failures to conform thereto are due to circumstances not reasonably under the control of respondent; (6) using the words "painting" or "oil painting", or any other word or words of similar import and meaning, to designate, describe, or refer to pictures or enlargements made by a photographic process, or representing in any manner that colored or tinted photographs are paintings; or, (7) aiding, assisting, or cooperating with others who do not own, conduct, or control a photographic studio in representing, implying, or holding themselves out to the purchasing public as owning, controlling, or operating a photographic studio; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Kiddieland Studios, etc., Docket 5425, July 15, 1947]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 15th day of July A. D. 1947.

In the Matter of George D. Newman, Individually and Trading as Kiddieland Studios and Beacon Studios

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, certain facts and other evidence stipulated into the record at a hearing before an examiner of the Commission theretofore duly designated by it (including a stipulation that the Commission may proceed to make its findings as to the facts and order disposing of the proceeding without intervening procedure) and recommended decision by the trial examiner, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent George D. Newman, individually and trading as Kiddieland Studios or as Beacon Studios, or under any other name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of plain, tinted, or colored photographs or enlargements thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the price at which any of respondent's products is offered for sale is a special or introductory or limited offer or a reduced price when such price is in fact the price at which said product is regularly and usually sold.

2. Representing, through the use of coupons or otherwise, that a photograph of a designated kind and character will be made for a stipulated price, unless this is in fact done without the imposition or attempted imposition of conditions not stated when the offer is made.

3. Exhibiting to prospective customers as samples of respondent's products any photographs or pictures which are not in fact representative of the pictures sold by respondent.

4. Representing, directly or by implication, that a picture to be made and delivered will be equal in type, quality, or workmanship to samples displayed to the customer, unless the picture delivered is in fact equal in type, quality, or workmanship to such samples.

5. Representing that photographs will be taken, proofs exhibited, or finished pictures delivered at specified times except when such representations are made in good faith and failures to conform thereto are due to circumstances not reasonably under the control of respondent.

6. Using the words "painting" or "oil painting," or any other word or words of similar import and meaning, to designate, describe, or refer to pictures or enlargements made by a photographic process, or representing in any manner that colored or tinted photographs are paintings.

7. Aiding, assisting, or cooperating with others who do not own, conduct, or control a photographic studio in representing, implying, or holding themselves out to the purchasing public as owning, controlling, or operating a photographic studio.

It is further ordered, That the charges of the complaint concerning alleged false and misleading use of the words "Gold Tone" as descriptive of certain respondent's products be, and the same hereby are, dismissed on the ground that the evidence fails to support the charges as made.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-8198; Filed, Sept. 4, 1947; 8:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Premium Payments Reg. 9, Amdt. 5]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

MERCHANT PIG IRON

Section 805.9 (Housing Expediter Premium Payments Regulation No. 9) is amended in the following respects:

1. In paragraph (a) (3) the introductory sentence is amended to read as follows:

(3) "Housing type items" means any item listed below (said list being subject to deletions and additions by amendment to this section)

2. Paragraph (d) (1) is amended to read as follows:

(d) *Rate and computation of premium payments.* (1) Premiums shall be payable with respect to shipments in excess of a plant's established quota: *Provided, however* The Expediter may from time to time notify any plant that all or any part of such over-quota shipments shall be made to producers of designated housing type items within a specified period of time, and in the event of such notification by the Expediter premiums shall be payable with respect to the over-quota shipments covered by such notification only to the extent that they have been made in accordance with the terms of such notification.

This amendment shall become effective September 1, 1947.

Issued this 4th day of September 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V SARCONE,
Authorizing Officer

[F. R. Doc. 47-8257; Filed, Sept. 4, 1947; 10:11 a. m.]

[Rent Procedural Reg. 1[1]]

PART 840—PROCEDURE

PROCEDURE FOR ADJUSTMENTS, APPEALS AND INTERPRETATIONS UNDER RENT REGULATIONS

Pursuant to the authority of the Housing and Rent Act of 1947 (Pub. Law 129, 80th Cong.) in order to provide for orderly procedures the following rules are prescribed for adjustments, administrative appeals and interpretations under the rent regulations:

Sec.

AUTHORITY: §§ 840.1 to 840.59, inclusive, issued under Pub. Law 129, 80th Cong.

§ 840.1 *Purpose of this part.* It is the purpose of this part to prescribe and explain the procedure of the Office of Rent Control, Office of the Housing Expediter, in making various kinds of determinations in connection with the establishment of maximum rents.

(a) Subpart A deals with petitions for adjustment and other relief provided for by the maximum rent regulations, including provisions relating to leases providing for increases in maximum rents and reports of and applications for decontrol. An adjustment in maximum rent or any other relief can be granted only if the applicable maximum rent

[1] Referred to in this regulation as "Part"

regulation contains specific provision for the adjustment or other relief sought.

(b) Subpart B deals with appeals. The nature and function of appeals are set forth in general in the introduction to Subpart B, preceding § 840.25.

(c) Subpart C explains the way in which interpretations of the meaning or effect of provisions of maximum rent regulations are given by officers or employees of the Office of Rent Control, Office of the Housing Expediter.

(d) Subpart D contains miscellaneous provisions, and definitions.

SUBPART A—LANDLORDS' PETITIONS; AND TENANTS' APPLICATIONS

Introduction. Subpart A deals with administrative proceedings before the rent director and the Regional Rent Administrator as well as with leases providing for increases in maximum rents and with reports of and applications for decontrol. Local advisory boards, provided for by the Housing and Rent Act of 1947, are authorized to make recommendations to the rent director with respect to individual cases, and to the Housing Expediter with respect to decontrol of a defense-rental area or any portion thereof; the adequacy of the general rent level in the area; and operations generally of the local rent office, with particular reference to hardship cases. Provisions governing the consideration of such recommendations are set forth in the act. Information concerning the organization of the local advisory board may be obtained from the area office.

§ 840.2 *Landlord's right to file petition.* A petition for adjustment or other relief may be filed by any landlord subject to any provision of a maximum rent regulation who requests such adjustment or relief pursuant to a provision of the maximum rent regulation authorizing such action.

§ 840.3 *Method of filing, form, and contents.* A petition for adjustment or other relief provided for by a maximum rent regulation shall be filed only with the rent director of the Office of Rent Control, Office of the Housing Expediter, for the defense-rental area within which the housing accommodations involved are located. Petitions shall be filed upon forms prescribed by the Housing Expediter and pursuant to instructions stated on such forms and may be accompanied by affidavits or other documents setting forth the evidence upon which the petitioner relies in support of the facts alleged in his petition.

§ 840.4 *Joint petitions, consolidation.* Two or more landlords may file a joint petition for adjustment or other relief where the grounds of the petition are common to all landlords joining therein. A joint petition shall be filed and determined in accordance with the rules governing the filing and determination of petitions filed by one landlord. A landlord's petition may include as many housing accommodations as present common questions which can be expeditiously determined in one proceeding. Whenever the rent director deems it necessary or appropriate, he may order the filing of separate petitions or he may consolidate separate petitions presenting common questions which can be determined expeditiously in one proceeding.

§ 840.5 *Tenant's application for decrease in maximum rent.* Tenant's application for decrease in maximum rent provided for by section 5 of the maximum rent regulations shall be filed with the rent director for the defense-rental area within which the housing accommodations involved are located. The application for decrease in maximum rent shall be filed on forms prescribed by the Housing Expediter. Action thereon shall be within the discretion of the rent director and the procedure shall be the same as in proceedings in the cases specified in § 840.7.

§ 840.6 *Investigation by the rent director.* Upon the commencement of a proceeding provided for by §§ 840.2, 840.5, 840.7 or § 840.8 (c) the rent director may make such investigation of the facts, hold such conferences, and require the filing of such reports, evidence in affidavit form or other material relevant to the proceeding, as he may deem necessary or appropriate for the proper disposition of the proceeding.

§ 840.7 *Action by rent director on his own initiative.* In any case where the rent director pursuant to the provisions of a maximum rent regulation, deems it necessary or appropriate to enter an order on his own initiative, he shall, before taking such action, serve a notice upon the landlord of the housing accommodations involved stating the proposed action and the grounds therefor. The proceeding shall be deemed commenced on the date of issuance of such notice.

§ 840.8 *Action by the rent director on petitions for adjustment or other relief.* (a) Upon receipt of a petition for adjustment or other relief, and after due consideration, the rent director may either:

(1) Dismiss any petition which fails substantially to comply with the provisions of the applicable maximum rent regulation or of this part; or

(2) Grant or deny, in whole or in part, any petition which is properly pending before him; or

(3) Notice such petition for oral hearing to be held in accordance with § 840.10; or

(4) Provide an opportunity to present further evidence in affidavit form, in connection with such petition.

(b) An order entered by a rent director upon a petition for adjustment or other relief, or an order entered by a rent director on his own initiative or upon remand, shall be effective and binding until changed by further order and shall be final subject only to application for review or appeal as provided in § 840.23 or § 840.25 and following. An order entered by a rent director may be revoked or modified at any time, *Provided, however* Due notice of the intention so to revoke or modify was previously given to all persons subject to such order.

(c) Upon remand of a proceeding to the rent director by the Regional Rent Administrator pursuant to § 840.24 or by the Housing Expediter pursuant to § 840.34, the rent director shall proceed in accordance with the order of remand and at the conclusion of such proceedings shall issue an appropriate order. Review of a rent director's order issued after remand shall be only by appeal to the Housing Expediter pursuant to § 840.25.

§ 840.9 *Evidence not subject to landlord's control.* In any proceeding before a rent director, the landlord may file a statement in affidavit form setting forth in detail the nature and sources of any evidence not subject to his control, but subject to the control of the Housing Expediter, upon which the landlord believes he can rely in support of the facts alleged in his petition or objections. Such statement shall be accompanied by an application for assistance by way of interrogatories or otherwise, in obtaining documentary evidence or evidence of persons not subject to the control of the landlord, showing in every instance what material facts would be adduced thereby. Such application, if calling for the evidence of persons, shall specify the name and address of each person, and the facts to be proved by him, and if calling for the production of documents, shall specify them with sufficient particularity to enable them to be identified for purposes of production. Any such application for assistance must be directed to evidence subject to the control of the Housing Expediter.

§ 840.10 *Oral testimony*—(a) *Requests for oral hearing.* In most cases, evidence in proceedings before the rent director will be received only in written form. This procedure is most conducive to the fair and expeditious disposition of such proceedings. However, the rent director may, upon his own initiative, direct the receipt of oral testimony or the landlord may request that oral testimony be taken. Such request shall be accompanied by a showing as to why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the proceeding. In the event that an oral hearing is ordered, notice thereof shall be served on the landlord not less than five (5) days prior to such hearing. The time and place of hearing shall be stated in the notice. A presiding officer shall be appointed by the rent director with all necessary powers to conduct the hearing. Any such oral hearing may be limited in such manner and to such extent as is deemed appropriate to the expeditious determination of the proceeding.

(b) *Stenographic report of oral hearing.* A stenographic report of the oral hearing shall be made, a copy of which shall be available for inspection during business hours in the appropriate defense-rental area office.

Leases Providing for Increases in Maximum Rents

Introduction. Sections 840.11 through 840.16, inclusive, deal with leases executed pursuant to section 204 (b) of the Housing and Rent Act. Under this section, in any case in which a landlord and tenant on or before December 31, 1947 voluntarily enter into a written lease

in good faith with respect to any housing accommodations which lease takes effect after July 1, 1947 and expires on or after December 31, 1948 and the landlord files a copy of such lease with the Housing Expediter within fifteen (15) days after the date of execution of the lease, the maximum rent for such accommodations shall be that agreed on by the parties if it does not represent an increase of more than 15% in the maximum rent. The maximum rent regulations provide that every landlord shall file with a true copy of such lease a Registration of Lease.

§ 840.11 *Right to increase.* In order to obtain an increase in a maximum rent by virtue of a lease entered into under section 204 (b) of the Housing and Rent Act of 1947, a landlord must, within fifteen (15) days after the date of execution of such lease, file with the rent director for the defense-rental area in which the housing accommodations in question are located a copy of a lease complying with the requirements of section 4 (b) of the applicable maximum rent regulation; the landlord shall also file an original and two (2) copies of a Registration of Lease for the housing accommodations on forms prescribed by the Housing Expediter and pursuant to instructions stated on such forms.

§ 840.12 *Investigation, etc.* Upon the filing of a lease and Registration of Lease pursuant to § 840.11 the rent director may make such investigation of the facts, hold such conferences and require the filing of such evidence as he may deem necessary or appropriate in the circumstances.

§ 840.13 *Order rejecting lease.* If the rent director determines that the lease fails to conform with the provisions of section 204 (b) of the Housing and Rent Act of 1947 and the applicable regulations promulgated thereunder, he shall return the lease to the landlord together with an order notifying the landlord that the lease has been rejected. Such order shall state the grounds for the rejection.

§ 840.14 *Landlord's objections, etc., upon order rejecting lease.* Any landlord who has received an order provided for by § 840.13 may, within thirty (30) days after issuance of the order or the issuance of this part, whichever is later, either request reconsideration of such order, with opportunity to present objections and evidence in support of such objections, or file an application for review or appeal pursuant to § 840.23 or § 840.25 and following. Upon any such reconsideration, the rent director shall either issue an order revoking the prior order rejecting the lease or shall issue a notice terminating the proceeding upon reconsideration.

§ 840.15 *Proceedings on leases initiated by rent director* If upon filing of a lease under section 4 (b) of a maximum rent regulation any element necessary to the determination of the maximum rent is in dispute, in doubt, or is not known, the rent director may, at any time, initiate a proceeding proposing the issuance of an order pursuant to § 840.16.

§ 840.16 *Order upon determination of proceedings on lease.* If in a proceeding instituted under § 840.15, it is determined that the lease should be rejected, the rent director shall issue an appropriate order establishing the maximum rent.

Reports of and Applications for Decontrol

Introduction. Under section 202 (c) of the Housing and Rent Act of 1947, certain categories of dwelling accommodations are eligible for decontrol. To implement that section of the act and the applicable maximum rent regulations promulgated thereunder, §§ 840.17 through 840.22 provide for appropriate administrative proceedings on such decontrol.

§ 840.17 *Filing of reports of and applications for decontrol.* The appropriate maximum rent regulations contain provisions for the filing of reports of and applications for decontrol of certain categories of dwelling accommodations. The final determination by a rent director upon the filing of such report or application shall be made in the manner set forth below and shall be subject to administrative review as hereinafter provided.

§ 840.18 *Investigation.* Upon the filing of a report of or application for decontrol, the rent director may make such investigation of the facts, hold such conferences and require the filing of such evidence as he may deem necessary or appropriate in the circumstances.

§ 840.19 *Order rejecting report or application.* If the rent director determines that the report or application fails to conform with the provisions of section 202 (c) of the Housing and Rent Act of 1947 and the applicable regulations promulgated thereunder, he shall by order advise the landlord that the report or application has been rejected and that the accommodations concerned therein remain under control. Such order shall state the grounds for the rejection.

§ 840.20 *Landlord's objections, etc., upon order rejecting report or application.* Any landlord who has received an order provided for by § 840.19 may, within thirty (30) days after issuance of the order or the issuance of this part, whichever is later, either request reconsideration of such order, with opportunity to present objections and evidence in support of such objections, or file an application for review or appeal pursuant to § 840.23 or § 840.25 and following of this part. Upon any such reconsideration, the rent director shall either issue an order revoking the prior order rejecting the report or application or shall issue a notice terminating the proceeding upon reconsideration.

§ 840.21 *Proceedings on reports or applications initiated by rent director* If upon filing of a report of or application for decontrol any element necessary to the determination of a maximum rent for the accommodations concerned therein is in dispute, in doubt, or is not known, the rent director may, at any time, initiate a proceeding proposing the issuance of an order pursuant to § 840.22.

§ 840.22 *Order upon determination of proceedings on report or application.* If in a proceeding instituted under § 840.21 it is determined that the report or application should be rejected, the rent director shall issue an appropriate order determining that the accommodations remain subject to control and establishing the maximum rent.

Landlord's Application for Review of Rent Director's Action

§ 840.23 *Landlord's application for review.* (a) Any landlord, except a landlord subject to an order issued pursuant to § 840.8 (c) whose petition for adjustment or other relief has been dismissed or denied in whole or in part by the rent director, or any landlord subject to an order entered by the rent director on his own initiative, may file with the rent director an application for review of such determination by the Regional Rent Administrator for the region in which the defense-rental area office is located. *Provided,* That any landlord subject to an order entered under section 5 (d) of any maximum rent regulation or subject to an order entered by the rent director under §§ 840.7, 840.16 or 840.22 may either apply for review of such order as provided in this section, or may appeal any provision of such order as provided in § 840.25 and following of this part. An application for review shall be filed in triplicate upon forms prescribed by the Housing Expediter and pursuant to instructions stated on such forms. Upon the filing of an application for review of such determination, the rent director shall forward the record of the proceedings, with respect to which such application is filed, to the appropriate Regional Rent Administrator.

(b) Applications for review may be filed within sixty (60) days after the date of issuance of the determination to be reviewed or within thirty (30) days after the date of issuance of this part, whichever is later. An application for review which is not filed within the specified time ordinarily will be dismissed unless special circumstances are shown to justify a later filing.

(c) Where the effect of a rent director's order is to require a landlord to make a refund to the tenant in accordance with the provisions of section 4 (c), 5 (b) (2) or 5 (c) (1) of the Controlled Housing Rent Regulation, section 5 (b) (2) of the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments, section 4 (c) 5 (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation for New York City Defense-Rental Area, section 5 (b) (2) of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area, section 4 (c) 5 (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation for Miami Defense-Rental Area, section 5 (b) (2) of the rent regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area, or section 4 (c) 5 (b) (2) or 5 (c) (1) of the Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area, the obligation to refund shall be stayed if the landlord, within thirty (30) days after the date

of issuance of said order, or within thirty (30) days from the date of issuance of this part, whichever is the later, duly files an application for review together with a refund transmittal memorandum directed to the Regional Budget and Finance Officer on forms prescribed by the Housing Expediter, accompanied by a certified check or money order in the amount of the refund payable to the U. S. Treasurer, and such additional information and documents as may be required. The money so deposited shall be distributed pursuant to the order of the Regional Rent Administrator or in accordance with the final disposition of the proceedings.

§ 840.24 *Action on applications for review.* Upon the filing of an application for review in accordance with § 840.23, and after due consideration of the record, the Regional Rent Administrator shall determine whether the action of the rent director is appropriately substantiated by the record and is otherwise in accordance with applicable law and regulations. Upon the basis of such consideration, the Regional Rent Administrator may, by appropriate order, affirm, revoke, or modify, in whole or in part, the determination of the rent director sought to be reviewed or may remand the proceedings to the rent director for further action not inconsistent with the determination of the Regional Rent Administrator. In any case where an application for review does not conform in a substantial respect to the requirements of this part, the Regional Rent Administrator may dismiss such application. An order entered by a Regional Rent Administrator upon an application for review shall be effective and binding until changed by further order and shall be final subject only to appeal as provided in § 840.25 and following of this part. An order entered by a Regional Rent Administrator upon an application for review may be revoked or modified at any time, *Provided, however* Due notice of the intention so to revoke or modify was previously given to the applicant.

If the effect of the order of the rent director is to require a refund of rent to the tenant under section 4 (c) 5 (b) (2) or 5 (c) (1) of the Controlled Housing Rent Regulation, section 5 (b) (2) of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments, section 4 (c) 5 (b) (2) or 5 (c) (1) of the Controlled Housing Rent Regulation for New York City Defense-Rental Area, section 5 (b) (2) of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area, section 4 (c) 5 (b) (2) or 5 (c) (1) of the Controlled Housing Rent Regulation for Miami Defense-Rental Area, section 5 (b) (2) of the rent regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area, or section 4 (c) 5 (b) (2) or 5 (c) (1) of the Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area, the modification or revocation of said order by the Regional Rent Administrator or by the rent director upon remand, as it affects the refund, shall be retroactive if a stay has been obtained pursuant to § 840.23.

SUBPART B—APPEALS TO THE HOUSING EXPEDITER

Introduction. Subpart B deals with "appeals" to the Housing Expediter. An appeal is the means provided for landlords to make formal objections to a maximum rent regulation or order. The review by the Housing Expediter upon an appeal from an order of individual applicability will be limited to a determination of whether the action of the rent director is appropriately substantiated by the record and is otherwise in accordance with applicable law and regulations; and evidence not before the rent director will not be received from the person filing the appeal. However, upon consideration involving an appeal directed against a maximum rent regulation, the Housing Expediter will accord *de novo* consideration and will receive evidence and otherwise conduct the proceedings consistent with the provisions set forth below. The filing and determination of a proper appeal is ordinarily a prerequisite to obtaining judicial review of administrative determinations. At any time during the administrative consideration of an appeal directed solely to a regulation, the Administrator may refer the appeal to the rent director for the area from which the appeal arises and request such rent director to make recommendation with respect to the disposition of the appeal.

General Provisions

§ 840.25 *Right to appeal.* (a) Any landlord subject to any provision of a maximum rent regulation, or of an order issued under § 840.24 (except an order remanding to the rent director) or of an order entered under section 5 (d) of any maximum rent regulation, or of an order entered by the rent director under §§ 840.7, 840.8 (c) 840.16 or 840.22, may file an appeal in the manner set forth below.

(b) A landlord is subject to a provision of a maximum rent regulation or of an order only if such provision prohibits or requires action by him.

(c) Any appeal filed by a landlord not subject to the provision appealed from, or otherwise not in accordance with the requirements of this part, may be dismissed by the Housing Expediter.

§ 840.26 *Time and place of filing appeals.* (a) Any appeal against the provisions of a maximum rent regulation may be filed at any time after the issuance thereof.

(b) Ordinarily there will be no reason why an appeal from an order affecting only an individual and issued under § 840.24, or of an order entered under section 5 (d) of any maximum rent regulation, or of an order entered by a rent director under §§ 840.7, 840.8 (c), 840.16, or 840.22, cannot be filed promptly after the issuance of such order. Accordingly, if an appeal is not filed within sixty (60) days after the date of issuance of such order or within thirty (30) days after the issuance of this part, whichever is later, the Housing Expediter ordinarily will regard the delay as unreasonable and will dismiss the appeal unless special circumstances are shown to justify the delay.

(c) Appeals shall be filed with the Certifying Officer, Office of the Housing Expediter (formerly known as the Secretary, Office of Rent Control) Washington 25, D. C. A copy of the appeal shall also be filed with the appropriate Regional Rent Administrator or rent director as provided in § 840.23: *Provided, however,* That an appeal directed solely against a regulation shall be filed with the rent director of the area out of which the appeal arises and the rent director shall, within twenty (20) days of such filing transmit the appeal to the Housing Expediter. The rent director may also transmit such pertinent data and materials as are available.

§ 840.27 *Stay of landlord's obligation to refund.* (a) Where the rent director has entered an order under § 840.7, the effect of which is to require a landlord to make a refund to a tenant in accordance with the provisions of section 4 (c) 5 (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation, section 5 (b) (2) of the Rent Regulation for Controlled Rooms in Rooming Houses, and Other Establishments, section 4 (c) 5 (b) (2) or 5 (c) (1) of the Controlled Housing Rent Regulation for New York City Defense-Rental Area, section 5 (b) (2) of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area, section 4 (c) 5 (b) (2) or 5 (c) (1) of the Controlled Housing Rent Regulation for Miami Defense-Rental Area, section 5 (b) (2) of the rent regulation for Controlled Rooms in Rooming Houses and Other Establishments in the Miami Defense-Rental Area, or section 4 (c) 5 (b) (2) or 5 (c) (1) of the Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area, the obligation to refund shall be stayed if the landlord within thirty (30) days after the date of issuance of said order, or within thirty (30) days from the date of issuance of this part, whichever is the later, duly files an appeal from said order, together with a refund transmittal memorandum directed to the Regional Budget and Finance Officer on forms prescribed by the Housing Expediter accompanied by a certified check or money order in the amount of the refund payable to the United States Treasurer, and such additional information and documents as may be required. The money so deposited shall be distributed pursuant to the order of the Housing Expediter or in accordance with the final disposition of the proceedings.

(b) Compliance with that portion of a Regional Rent Administrator's order which specifies the manner in which the money deposited pursuant to § 840.23 (c) be distributed to a tenant, shall be stayed if the landlord, within thirty (30) days after the date of issuance of said order, or within thirty (30) days from the date of issuance of this part, whichever is the later, duly files an appeal in the manner herein set forth. In such event, the money so deposited shall be distributed pursuant to the order of the

Housing Expediter or in accordance with the final disposition of the proceedings.

(c) Compliance with that portion of an order, issued by the Housing Expediter upon the final determination of an appeal on the merits and which order specifies the manner in which the money deposited pursuant to paragraph (a) of this section or § 840.23 (c) shall be distributed to a tenant, shall be stayed for a period of forty (40) days from the date of issuance of said order.

§ 840.28 *Form of appeal.* (a) Every appeal shall be clearly designated "Appeal to the Housing Expediter" and shall contain upon the first page thereof (1) the full name and address of the person making the appeal and the name of the defense-rental area for which the maximum rent regulation or order appealed from was issued, (2) a statement whether the appeal is from a maximum rent regulation or order, (3) the date of issuance and the name or number of such maximum rent regulation or order, and (4) a statement that a copy of the appeal and all accompanying documents and briefs have been filed with the Regional Rent Administrator or the rent director where such action is required by paragraph (c) or (d) of this section.

(b) One original and five copies of the appeal and of all accompanying documents and briefs shall be filed either with the Certifying Officer, Office of the Housing Expediter (formerly known as the Secretary, Office of Rent Control) Washington 25, D. C., or as provided in § 840.26 (c)

(c) In cases where the appeal is from an order issued pursuant to § 840.24, an additional copy of the appeal, accompanying documents and briefs, shall be filed with the Regional Rent Administrator issuing the order being appealed.

(d) In cases where the appeal is from either an order entered under section 5 (d) of any maximum rent regulation, or an order entered by the rent director under §§ 840.7, 840.8 (c) 840.16, or 840.22, and an application for review has not been filed, an additional copy of the appeal, accompanying documents and briefs, shall be filed with the rent director issuing the order being appealed.

(e) Each copy of the appeal, accompanying documents and briefs, shall be printed, typewritten, mimeographed or prepared by similar process and shall be plainly legible. Copies shall be double-spaced except that quotations shall be single-spaced and indented.

§ 840.29 *Assignment of docket number* Upon receipt of an appeal it shall be assigned a docket number, and all further papers filed in the proceedings shall contain on the first page thereof the docket number so assigned and the information specified in § 840.28.

§ 840.30 *Appeal and evidential material not conforming to this part.* Any appeal which does not conform in a substantial respect to this part or, in the case of an appeal directed against a regulation of general applicability the evidence does not so conform, the Housing Expediter may dismiss such appeal or, in his discretion, may strike such evidential material from the record of the proceedings in connection with the appeal.

§ 840.31 *Joint appeals.* Two or more landlords may file a joint appeal. Joint appeals shall be filed and determined in accordance with the rules governing the filing and determination of appeals filed severally. A joint appeal shall be verified in accordance with § 840.36 (a) (7) by each person joining in the appeal. A joint appeal may be filed only where at least one ground is common to all persons joining in it. Whenever the Housing Expediter deems it to be necessary or appropriate for the disposition of joint appeals, he may treat such joint appeals as several, and, in any event, he may require the filing of relevant materials by each person joining therein.

§ 840.32 *Consolidation of appeals.* Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more appeals the Housing Expediter may consolidate such appeals.

§ 840.33 *Amendment of appeal and presentation of additional evidence.* In general, all of the objections upon which a person making the appeal intends to rely in the appeal proceedings must be clearly stated in the appeal when it is filed and all of the evidence which such person wishes to offer in support of an appeal directed against a regulation of general applicability must be filed at the same time. Exceptions to this rule are stated in §§ 840.37 (b) and 840.38 relating to evidence not subject to the landlord's control and the submission of oral testimony. A landlord may, however, be granted permission to amend his appeal so as to state additional objections or to present further evidence in connection therewith upon a showing of reasonable excuse for failure to present such objections or evidence at the time the appeal was first filed. The permission will be granted only if, in the judgment of the Housing Expediter, it will not unduly delay the completion of the proceedings on the appeal.

§ 840.34 *Action by the Housing Expediter* (a) Within a reasonable time after the filing of any appeal in accordance with this part, the Housing Expediter shall determine whether the action of the rent director or the Regional Rent Administrator is appropriately substantiated by the record and is otherwise in accordance with applicable law and regulations. Upon the basis of such consideration, the Housing Expediter shall:

(1) Grant or deny such appeal in whole or in part or remand the proceedings to the rent director for further action not inconsistent with the determination of the Housing Expediter;

(2) Notice such appeal for hearing or oral testimony in accordance with § 840.38 or § 840.42.

(3) When the appeal is directed against a regulation of general applicability, provide an opportunity to present further evidence in connection with such appeal. Within a reasonable time after the presentation of such further evidence the Housing Expediter may notice such appeal for hearing or oral testimony in accordance with sub-paragraph (2) of this paragraph, include additional material in the record of the proceedings on the appeal in acordance with §§ 840.40 and 840.41, or take such other action as may be appropriate to the disposition of the appeal.

(b) Notice of any such action taken by the Housing Expediter shall be served upon the landlord.

(c) Where the Housing Expediter has ordered a hearing on an appeal or has provided an opportunity for the presentation of further evidence in connection therewith he shall within a reasonable time after the completion of such hearing or the presentation of such evidence, upon due consideration, grant or deny such appeal, in whole or in part.

§ 840.35 *Basis for determination of appeal*—(a) *Record of the proceedings.* The factual basis upon which an appeal is determined is to be found in the record of the proceedings. This record consists of the following:

(1) The designation of the defense-rental area, the rent declaration, and the maximum rent regulation involved;

(2) The appeal and evidential material properly filed with the Certifying Officer, in accordance with §§ 840.36 to 840.38, inclusive;

(3) If the appeal is against an order, the evidence adduced before the rent director and all documents in proceedings had in connection therewith. Such material need not be filed by the landlord;

(4) Materials incorporated into the record of the proceedings under §§ 840.40 and 840.41,

(5) Oral testimony taken in accordance with §§ 840.38 and 840.42;

(6) All orders and opinions issued in the proceedings.

(b) *Facts of which the Housing Expediter has taken official notice.* The above-listed documents may contain statements of economic data and other facts of which the Housing Expediter has taken official notice, including facts found by him as a result of reports filed and studies and investigations made.

(c) *Briefs and arguments.* Briefs and oral arguments submitted or presented in accordance with this part are, of course, considered in the determination of an appeal. They are, however, not a part of the record of the proceedings.

Contents of Appeals and Supporting Materials

§ 840.36 *Contents of appeals*—(a) *What each appeal must contain.* Every appeal shall set forth the following:

(1) The name and the post office address of the person filing the appeal, the manner in which such person is subject to the provision of the maximum rent regulation or order appealed from, and the location, by post office address or otherwise, of all housing accommodations involved in the appeal;

(2) The name and post office address of any person filing the appeal on behalf of the landlord and the name and post office address of the person to whom all communications from the Office of Rent Control, Office of the Housing Expediter, relating to the appeal shall be sent;

(3) A complete identification of the provision or provisions appealed from, citing the number of the maximum rent regulation or order, the section or sections thereof to which objection is made, and the date of issuance thereof;

(4) A clear and concise statement of all objections raised by the person filing the appeal against the provision or provisions appealed from, each such objection to be separately stated and numbered;

(5) A clear and concise statement of all facts alleged in support of each objection;

(6) A statement of the relief requested and, if modification of a provision of the maximum rent regulation is sought, a statement of the specific changes which the landlord seeks to have made in the provision;

(7) A statement signed and sworn to (or affirmed) before an officer authorized to take oaths either by the person filing the appeal personally, or, if a partnership, by a partner, or, if a corporation or association, by a duly authorized officer, that the appeal and the documents filed therewith are prepared in good faith and that the facts alleged are true to the best of his knowledge, information and belief. The person filing the appeal shall specify which of the facts are alleged and known to be true and which are alleged on information and belief..

§ 840.37 *Affidavits or other written evidence in support of appeals against a regulation.* Every person filing an appeal against a regulation of general applicability shall file together with his appeal the following:

(a) Affidavits setting forth in full all the evidence the presentation of which is subject to the control of the person filing the appeal and upon which he relies in support of the facts alleged in the appeal. Each such affidavit shall state the name, post office address, and occupation of the affiant; his business connection, if any, with the person filing the appeal; and whether the facts set forth in the affidavit are stated from personal knowledge or on information and belief. In every instance, the affiant shall state in detail the sources of his information.

(b) A statement by the person filing the appeal in affidavit form setting forth in detail the nature and sources of any further evidence, not subject to his control, but subject to the control of the Housing Expediter, upon which the landlord believes he can rely in support of the facts alleged in his appeal. Such statement shall be accompanied by an application for assistance by way of interrogatories, or otherwise, in obtaining the documentary evidence or evidence of persons not subject to the control of the person filing the appeal, showing in every instance what material facts would be adduced thereby. Such application, if calling for the evidence of persons, shall specify the name and address of each person, and the facts to be proved by him, and if calling for the production of documents, shall specify them with sufficient particularity to enable them to be identified for purposes of production. Any such application for assistance must be directed to evidence subject to the control of the Housing Expediter.

§ 840.38 *Receipt of oral testimony in appeals against a regulation.* (a) In most cases, evidence in appeal proceedings will be received only in written form. This procedure is most conducive to the fair and expeditious disposition of appeals. However, the person filing an appeal against a regulation may request the receipt of oral testimony. Such request shall be accompanied by a showing as to why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the appeal.

(b) In the event that the Housing Expediter orders the receipt of oral testimony, notice shall be served on the person filing the appeal, not less than five (5) days prior to the receipt of such testimony, which notice shall state the time and place of the hearing and the name of the presiding officer designated by the Housing Expediter.

(c) A stenographic report of any hearing of oral testimony shall be made, a copy of which shall be available during business hours in the Office of the Certifying Officer.

§ 840.39 *Submission of brief.* The person filing an appeal may file with his appeal a brief in support of his objections. An original and five (5) copies of such brief shall be separately submitted.

Material in Support of the Regulation

§ 840.40 *Incorporation of material into the record by the Housing Expediter.* The Housing Expediter shall incorporate into the record of the proceedings on an appeal against a regulation such evidence, in the form of affidavits or otherwise, as he deems appropriate in support of the provision of the regulation against which the appeal is filed. When such evidence is incorporated into the record, and is not so incorporated at an oral hearing, copies thereof shall be served upon the person filing the appeal and he shall be given a reasonable opportunity to present further evidence.

§ 840.41 *Other written evidence in support of the regulation.* (a) Any person affected by the provisions of a maximum rent regulation, may at any time after the issuance of such regulation submit to the Housing Expediter a statement in support of any such provision or provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the maximum rent regulation in question, and may be accompanied by affidavits and other data in written form. Each such supporting statement shall conform to the requirements of § 840.37 (a)

(b) In the event that an appeal has been, or is subsequently, filed against a provision of a maximum rent regulation in support of which a statement has been submitted, the Housing Expediter may include such statement in the record of the proceedings taken in connection with such appeal. If such supporting statement is incorporated into the record and is not so incorporated at an oral hearing, copies of such supporting statement shall be served upon the person filing the appeal, and he shall be given a reasonable opportunity to present evidence in rebuttal thereof.

§ 840.42 *Receipt of oral testimony in support of the regulation.* Ordinarily, material in support of the maximum rent regulation appealed from, like material in support of appeals, will be received in the appeal proceeding only in written form. Where, however, the Housing Expediter is satisfied that the receipt of oral testimony is necessary to the fair and expeditious disposition of the appeal, he may, on his own motion, direct such testimony to be received. In that event, the oral testimony will be taken in the manner provided in § 840.38.

Determination of Appeal

§ 840.43 *Opinion denying appeal in whole or in part.* (a) In the event that the Housing Expediter denies any appeal in whole or in part, the person who filed the appeal shall be informed of any economic data or other facts of which he takes official notice and the grounds upon which such decision is based. Any order entered in such appeal proceedings shall be effective from the date of its issuance unless otherwise provided in such order or in this part.

(b) Upon remand of the proceeding to the rent director, the Housing Expediter shall set forth the reasons for such action and shall issue an appropriate order.

§ 840.44 *Suspensions and stays.* Where the effect of the order of the rent director or Regional Rent Administrator is to require a refund of rent to the tenant under section 4 (c) 5 (b) (2) or 5 (c) (1) of the Controlled Housing Rent Regulation, section 5 (b) (2) of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments, section 4 (c) 5 (b) (2) or 5 (c) (1) of the Controlled Housing Rent Regulation for New York City Defense-Rental Area, section 5 (b) (2) of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area, section 4 (c) 5 (b) (2) or 5 (c) (1) of the Controlled Housing Rent Regulation for Miami Defense-Rental Area, section 5 (b) (2) of the rent regulation for Controlled Rooms in Rooming Houses and Other Establishments in the Miami Defense-Rental Area, or section 4 (c) 5 (b) (2) or 5 (c) (1) of the Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area, the modification or revocation of said order by the Housing Expediter or by the rent director upon remand, as it affects the refund shall be retroactive if a stay has been obtained pursuant to § 840.27.

§ 840.45 *Treatment of appeal as request for other relief.* Any appeal filed from a provision of a maximum rent regulation may, in the discretion of the Housing Expediter, be treated not only as an appeal but also as a request for other relief pursuant to the regulation appealed from, when the facts produced in connection with the appeal justify such treatment.

SUBPART C—INTERPRETATIONS

§ 840.46 *Interpretations.* An interpretation given by the Housing Expediter or an officer of the Office of the Housing Expediter, with respect to any provision of the act or any maximum rent regulation or order thereunder, will be regarded as official only if such interpretation was requested and issued in accordance with § § 840.47 to 840.48, inclusive. An official interpretation shall be

applicable only with respect to the particular person to whom, and to the particular factual situation with respect to which, it is given unless issued as an interpretation of general applicability.

§ 840.47 *Requests for interpretations: Form and contents.* Any person desiring an official interpretation of the Housing and Rent Act of 1947, or of any maximum rent regulation or order thereunder, shall make a request in writing for such interpretation. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall, so far as practicable, state the names and post office addresses of the persons and the location of the housing accommodations involved. If the inquirer has previously requested an interpretation on the same or substantially the same facts, his request shall so indicate and shall state the official or office to which his previous request was addressed. No interpretation shall be requested or given with respect to any hypothetical situation or in response to any hypothetical question.

§ 840.48 *Interpretation to be written. Authorized officials.* Official interpretations shall be given only in writing. Interpretations involving individual cases shall be signed by the Housing Expediter, or by one of the following officers of the Office of the Housing Expediter: the general counsel, assistant general counsel for rent, any regional rent attorney, and any chief rent attorney for a district or defense-rental area office. Interpretations of general applicability shall be signed only by the Housing Expediter, the general counsel or the assistant general counsel for rent.

SUBPART D—MISCELLANEOUS PROVISIONS AND DEFINITIONS

§ 840.49 *Contemptuous conduct.* Contemptuous conduct at any hearing shall be ground for exclusion from the hearing.

§ 840.50 *Continuance or adjournment of hearing.* Any hearing may be continued or adjourned to a later date or a different place by announcement at the hearing by the person who presides.

§ 840.51 *Filing of notices, etc.* All notices, reports, registration statements, leases, reports of and applications for decontrol and other documents which a landlord is required to file, pursuant to the provisions of any maximum rent regulation or this part, shall be filed with the appropriate defense-rental area office or other specifically designated office, and shall be deemed filed on the date received by said office: *Provided,* That any such notice, report, registration statement, lease, report of or application for decontrol or other document properly addressed to and received by the appropriate office shall be deemed filed on the date of the postmark: *Provided further* That when the last day for filing falls on a Saturday, Sunday or legal holiday, the document may be physically filed at the appropriate office on the next business day.

§ 840.52 *Service of papers.* Notices, orders, and other process and papers may be served personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served, or by mail, or by telegraph. When service is made personally or by leaving a copy at the residence or principal office or place of business, the verified return of the person serving or leaving the copy shall be proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall be proof of service. When service is by unregistered mail, an affidavit that the document has been mailed shall be proof of service. In any proceeding under §§ 840.7, 840.8 (c) 840.16 or 840.22, or in any proceeding to revoke or modify an order, any notice, order or other process or paper directed to the person named as landlord on the registration statement filed pursuant to section 7 of the applicable maximum rent regulation at the mailing address given thereon, or, where a notice of change of identity has been filed pursuant to section 7, to the person named as landlord and at the address given in the notice of change in identity most recently theretofore filed shall constitute notice to the person who is then the landlord.

§ 840.53 *Action by representative.* Any action which by this part is required of, or permitted to be taken by, a landlord may, unless otherwise expressly stated, be taken on his behalf by any person whom the landlord has authorized to represent him. Such authority shall be given by written power of attorney where the action is in connection with an application for review or an appeal. In such cases the power of attorney, signed by the landlord, shall be filed at the time action on his behalf is taken.

§ 840.54 *Certifying Officer' office hours.* The Office of the Certifying Officer, Office of the Housing Expediter (formerly known as the Secretary, Office of Rent Control) Washington 25, D. C., shall be open on week days, except Saturdays from 9 a. m. to 5 p. m. and shall be closed on Saturdays. Any person desiring to file any papers, or to inspect any documents filed with such office at any time other than the regular office hours stated, may file a written application with the Certifying Officer, requesting permission therefor.

§ 840.55 *Confidential information, inspection of documents filed with Certifying Officer.* Appeals and all papers filed in connection therewith are public records, open to inspection in the Office of the Certifying Officer upon such reasonable conditions as the Certifying Officer may prescribe. Except as provided above, confidential information filed with the Office of Rent Control, Office of the Housing Expediter, will not be disclosed, unless in the judgment of the Housing Expediter the disclosure thereof is in the public interest.

§ 840.56 *Appearance of employees and former employees.* Appearance of Office of the Housing Expediter employees and former employees thereof and of any predecessor agency in a representative capacity before the Office of Rent Control, Office of the Housing Expediter, shall be governed by any provision relating thereto promulgated by the Housing Expediter.

§ 840.57 *Definitions.* As used in this part unless the context otherwise requires, the term:

(a) "Act" means the Housing and Rent Act of 1947. (Pub. Law 129, 80th Cong.)

(b) "Date of issuance" with respect to a maximum rent regulation, means the date on which such maximum rent regulation was or is filed with the Division of the Federal Register.

(c) "FEDERAL REGISTER" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), as amended.

(d) "Housing Expediter" means the Housing Expediter or the rent director or such person or persons as the Housing Expediter may appoint or designate to carry out any of the duties delegated to him by the Act.

(e) "Maximum rent regulation" means any regulation establishing a maximum rent.

(f) "Maximum rent" means the maximum rent established by any rent regulation or order for the use of housing accommodations within any defense-rental area.

(g) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(h) "Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing, and who is subject to any provision of a maximum rent regulation or order.

(i) "Tenant" includes a subtenant, lessee, sublesssee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(j) "Appeal" means the request for review of a maximum rent regulation or an order issued by the rent director or the Regional Rent Administrator and which request is filed with the Housing Expediter pursuant to this part.

(k) "Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(l) "Defense-rental area" means any area or any part of any area designated under the provisions of the Emergency Price Control Act of 1942, as amended, prior to March 1, 1947, in which maximum rents were being regulated under such act on that date.

(m) "Rent director" means the person designated by the Housing Expediter as director of any defense-rental area or such person or persons as may be designated to carry out any of the duties del-

egated to the rent director by the Housing Expediter.

(n) "Regional Rent Administrator" means the person designated by the Housing Expediter as administrator of any regional office established by the Office of Rent Control, Office of the Housing Expediter, or such person or persons as may be designated to carry out any of the duties delegated to the Regional Rent Administrator by the Housing Expediter.

§ 840.58 *Amendment of this part.* Any provision of this part may be amended or revoked by the Housing Expediter at any time. Such amendment or revocation shall be published in the FEDERAL REGISTER and shall take effect upon the date of its publication, unless otherwise specified therein.

§ 840.59 *Saving provisions.* (a) Where, in any proceeding other than a proceeding on a certificate relating to eviction, an application for review or protest was filed on or before June 30, 1947, all administrative consideration thereon, to the extent appropriate, shall be governed by the provisions of Revised Procedural Regulation 3, as amended (12 FR 1143) rather than this Rent Procedural Regulation 1, and for that purpose, Revised Procedural Regulation 3, as amended, is hereby reissued and remains in effect until otherwise ordered. Where no request for administrative review was filed prior to July 1, 1947, the provisions of this part shall be applicable to any such review.

(b) Insofar as offenses committed, or rights or liabilities incurred on or prior to June 30, 1947, are concerned, Revised Procedural Regulation 3, as amended, promulgated by the Office of Temporary Controls, Office of Price Administration, shall be treated as still remaining in force for the purpose of sustaining any proper suit, action, or prosecution with respect to any such right, liability, or offense arising under the Emergency Price Control Act of 1942, as amended.

This rent procedural regulation shall become effective September 4, 1947.

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 4th day of September 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-8274; Filed, Sept. 4, 1947; 11:53 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; MAILING OF CIGARETTES AND TOBACCO PRODUCTS TO GERMANY

The item "Prohibitions" in the regulations under the country "Germany" (39 CFR, Part 21, Subpart B, Service to Foreign Countries; Alphabetical List), as amended, (12 F. R. 3303 and 4249) is further amended by inserting after the list of APO numbers the following paragraph:

Postmasters are also directed to question mailers as to the contents of parcels addressed for delivery through Navy Nos. 919 and 963 and shall refuse to accept for mailing any parcels containing cigarettes or other tobacco products.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 47-8184; Filed, Sept. 4, 1947; 8:45 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; ADDRESS OF MAIL FOR DISPLACED PERSONS

Paragraph (d) of the regulations under the country "Germany" (12 F. R. 706) is amended by the addition of the following paragraph.

The correct address of mail for displaced persons should include, in addition to the name of the displaced person, the Preparatory Commission for the Internation Refugee Organization (PCIRO) Area Team number, location of same, that is, name of the town, and postal addressing district, if known, as well as the zone of occupation in Germany. If the location of the PCIRO team is not known, the address shall include, in lieu of the location of the PCIRO team, "care of Preparatory Commission IRO, U. S. Zone Headquarters, Heidelberg, Germany."

(R. S. 161, 396, sec. 304, 42 Stat. 24, 25; U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 47-8185; Filed, Sept. 4, 1947; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 393]

ALASKA

REDUCING THE WITHDRAWAL MADE BY EXECUTIVE ORDER 6957 OF FEBRUARY 4, 1935

Correction

In next to the last paragraph of Federal Register Document No. 47-7934, appearing on page 5759 of the issue for Wednesday, August 27, 1947, the second sentence should begin "Soil depths average from * * *"

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 162]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

EXTENSION OF TIME IN WHICH TO SUBMIT WRITTEN DATA, BRIEFS, AND OTHER PERTINENT MATERIAL WITH RESPECT TO PROPOSED REGULATIONS

Pursuant to section 6a of the Federal Insecticide, Fungicide, and Rodenticide Act (Pub. Law No. 104, 80th Cong.) approved June 25, 1947, and in conformity with the requirements of section 4 of the Administrative Procedure Act (60 Stat. 237) a public hearing was held pursuant to notice published in the FEDERAL REGISTER (12 F. R. 5343) under date of August 6, 1947, in the Auditorium, South Building, United States Department of Agriculture, Washington, D. C., at 9:00 a. m., e. s. t. (10 a. m., e. d. s. t.) on August 25, 1947, with respect to proposed rules and regulations under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act. At said hearing additional time was requested in which to submit written data, briefs, and other pertinent material with respect to the proposed rules and regulations.

It has been determined that such request should be granted. Therefore, all interested persons may submit written data, briefs, and other pertinent material on or before September 8, 1947.

Communications should be addressed to the Insecticide Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 29th day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8195; Filed, Sept. 4, 1947; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 3, WYOMING NO. 1, REDUCED

The order of the Assistant Secretary of the Interior, dated July 26, 1933, adding the following-described lands to Stock Driveway Withdrawal No. 3, Wyoming No. 1, under section 10 of the act of December 29, 1916, 39 Stat. 865, 43 U. S. C. sec. 300, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 43 N., R. 83 W.,
sec. 20, lot 5 and NE¼SE¼,
sec. 21, lots 1, 2, 3, 4, 5, 6, and N½SW¼,
sec. 29, lot 1, NE¼, N½SE¼, and SW¼SE¼.

The areas described aggregate 665.66 acres.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on October 27, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 27, 1947 to January 26, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 7, 1947 to October 27, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 27, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 27, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from January 7, 1948 to January 26, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 27, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Buffalo, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Buffalo, Wyoming.

The land is rough in topography and has a shaley soil which supports a scattered growth of native shrubs and grasses.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

AUGUST 25, 1947.

[F. R. Doc. 47-8181; Filed, Sept. 4, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8463]

STEPHENS BROADCASTING CO. AND INTERNATIONAL CITY BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Stephens Broadcasting Company, Station WDSU and WDSU-FM, assignor, New Orleans, Louisiana, and International City Broadcasting Corporation, assignee, New Orleans, Louisiana, Docket No. 8463, File No. BAL–596; for consent to assignment of license for WDSU and WDSU-FM.

At a session of the Federal Communications Commission, held in its offices in Washington, D. C., on the 10th day of July 1947;

The Commission having under consideration the above-entitled application requesting consent to the assignment of license for WDSU and WDSU-FM,

It is ordered, That pursuant to section 310 (b) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the assignee to receive an assignment of the license for WDSU and WDSU-FM.

2. To obtain full information as to the arrangements between the present licensee partnership and the proposed assignee with reference to the purchase of the stations involved, including the value of the properties to be conveyed and the price to be paid therefor, and whether approval of these arrangements would be in the public interest.

3. To obtain full information with respect to the arrangements between the assignee and Smith Davis and Company concerning loan to be made by the latter to assignee, pursuant to which assignee would pledge its stock and fixed assets.

4. To determine whether the proposal to prohibit two of the assignor partners from engaging in the broadcasting business within 300 miles of New Orleans would be in the public interest.

5. To obtain full information as to how the stations would be programmed, the staff which would be employed and policies which would be followed if the application is granted.

6. To obtain full information with respect to the prior purchase and sale of radio stations by any of the parties in interest in assignor with a view to determining whether the same might have constituted a trafficking in frequencies or licensed privileges.

7. To determine whether or not approval of the proposed transfer would give approval to speculative trading in interests in broadcast licensees.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-8202; Filed, Sept. 4, 1947; 8:47 a. m.]

[Docket No. 8501]

STEPHEN DETZER

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Stephen Detzer, Hermosa Beach, California, Docket No. 8501, File No. BPH–1333; for FM construction permit.

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 28th day of August 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new Class A FM broadcast station at Hermosa, California;

It appearing, that on April 23, 1947, May 22, 1947 and June 26, 1947, the Commission adopted orders designating for hearing in a consolidated proceeding

the applications (Docket Nos. 8318 to 8332, inclusive and 8334, 8442 and 8471) requesting construction permits for new Class A FM broadcast stations in the Los Angeles, California area which applications are or may be in conflict with the above-entitled application;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Stephen Detzer (File No. BPH-1333) be, and it is hereby, designated for hearing in the said consolidated proceeding (Docket Nos. 8318 et al) upon issues "1" to "6" inclusive as set forth in the Commission's order of April 23, 1947, at a time and place to be designated by subsequent order of the Commission.

It is further ordered, That the Commission's order of April 23, 1947, be, and it is hereby, amended to include the application of Stephen Detzer (File No. BPH-1333)

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

[F. R. Doc. 47-8201; Filed, Sept. 4, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-934]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

AUGUST 28, 1947.

Notice is hereby given that on August 18, 1947, Cities Service Gas Company (Applicant) a corporation organized under the laws of the State of Delaware, with its principal place of business at Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate facilities described as follows:

A meter setting at a mutually convenient point to Applicant and The Commercial Gas Pipeline Company on Applicant's Ft. Scott 8-inch gas pipe line near the southwest corner of southwest quarter of section 12, Township 26 south range 24 East, Bourbon County, Kansas.

Applicant states that it proposes to furnish emergency service through the facilities above described to The Commercial Gas Pipeline Company for the supply of 12 small communities in southeastern Kansas when the available supply of The Commercial Gas Pipeline Company is inadequate, and Applicant has available for delivery gas in excess of the requirements of its other customers.

Applicant further states that the estimated total over-all cost of the proposed facilities is $1,000.00. The cost will be financed from funds on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Cities Service Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-8182; Filed, Sept. 4, 1947; 8:45 a. m.]

[Project No. 82]

ALABAMA POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

AUGUST 28, 1947.

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that Alabama Power Company, of Attalla, Alabama, licensee for major Project No. 82 (Mitchell Dam) located on Coosa River in Coosa and Chilton Counties, Alabama, has made application for amendment of the license for the project to authorize the installation of a fourth generating unit consisting of one vertical hydraulic turbine with capacity of approximately 31,000 horsepower driving a 25,000-kilovolt-ampere generator.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before October 6, 1947, to the Federal Power Commission, at Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-8183; Filed, Sept. 4, 1947; 8:45 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5136]

SILOGERM CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 27th day of August A. D. 1947.

In the matter of Elbert W. Bishop, Willard R. Bishop, Harold S. Bishop, Evelyn M. Helgis, copartners trading as Silogerm Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That George Biddle, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, September 16, 1947, at nine o'clock in the forenoon of that day (eastern standard time) in Room 505, 45 Broadway, New York, New York.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-8200; Filed, Sept. 4, 1947; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1003]

PUBLIC SERVICE CO. OF COLORADO

ORDER DETERMINING EQUIVALENT VALUE OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 28th day of August, A. D. 1947.

The New York Curb Exchange has made application under Rule X-12F-2 (b) for a determination that the 4¼% Cumulative Preferred Stock, Par Value $100, of Public Service Company of Colorado is substantially equivalent to the 7% First Preferred Stock, Par Value $100, and the 6% First Preferred Stock, Par Value $100, of that company, which have heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the 4¼% Cumulative Preferred Stock, Par Value $100, of Public Service Company of Colorado is hereby determined to be substantially equivalent to the 7% First Preferred

Stock, Par Value $100, and the 6% First Preferred Stock, Par Value $100, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8194; Filed, Sept. 4, 1947; 8:47 a. m.]

[File Nos. 54-85, 59-90, 70-1594]

EAST COAST PUBLIC SERVICE CO. ET AL.

NOTICE OF FILING AND NOTICE OF ORDER FOR HEARING ON AMENDMENT TO PLAN, AND APPLICATION-DECLARATION, AND ORDER CONSOLIDATING PROCEEDINGS AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 27th day of August A. D. 1947.

In the matters of East Coast Public Service Company, Virginia East Coast Utilities, Incorporated, Tidewater Electric Service Company and Floyd W Woodcock (applicants) File No. 54-85; East Coast Public Service Company, Virginia East Coast Utilities, Incorporated, and Tidewater Electric Service Company (respondents) File No. 59-90; East Coast Public Service Company, East Coast Electric Company (formerly Virginia East Coast Utilities, Incorporated) File No. 70-1594.

I. On April 2, 1947, the Commission issued its findings, opinion and order (Holding Company Act Release No. 7326) approving a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by East Coast Public Service Company ("East Coast") a registered holding company, Virginia East Coast Utilities, Incorporated [1] ("Virginia Company") a subsidiary of East Coast, Tidewater Electric Service Company ("Tidewater") in turn a subsidiary of Virginia Company, and Floyd W Woodcock, an affiliate of East Coast. Such plan provided, among other things, for (a) the merger of Tidewater into Virginia Company, (b) the recapitalization of Virginia Company so that it would have outstanding first mortgage bonds in the principal amount of $1,300,000 and 60,000 shares of common stock of the par value of $10 per share, of which bonds in the principal amount of $800,000 and all of the shares of common stock would be owned by East Coast, (c) the sale at competitive bidding by East Coast of $800,000 principal amount of said bonds and the 60,000 shares of the common stock of Virginia Company, and the simultaneous sale at competitive bidding by Virginia Company for its own account of the remaining $500,000 principal amount of said bonds, (d) the payment by East Coast of all its indebtedness and the distribution of all the remaining assets to its stockholders, and (e) the dissolution of East Coast. Subsequently, on April 29, 1947, the United States District Court for the District of Delaware approved the plan and ordered its provisions enforced and carried out.

All of the above mentioned steps in the plan have been consummated with the exception of the sale at competitive bidding by East Coast of the 60,000 shares of common stock of Virginia Company and the dissolution of East Coast.

II. Notice is hereby given that East Coast, Virginia Company, and Floyd W. Woodcock have filed an amendment to their plan previously filed pursuant to section 11 (e) and other applicable provisions of the act. In conjunction therewith East Coast and Virginia Company have filed an application-declaration pursuant to sections 6, 7, 10, and 12 (c) of the act and Rules U-44 and U-46 promulgated thereunder. All interested persons are referred to said documents which are on file in the office of this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

As a step preliminary to the consummation by East Coast of its plan, as amended, which is designed to comply with section 11 of the act, Virginia Company proposes to increase the number of its outstanding shares of common stock, par value $10.00 per share, by issuing 30,000 shares of such common stock and charging its capital surplus account in the amount of $300,000. East Coast, the present owner of all the outstanding shares of Virginia Company's common stock, proposes to acquire said 30,000 additional shares. Virginia Company further proposes to issue and sell 15,000 additional shares of its common stock to underwriters for cash to provide funds for property additions. East Coast proposes to waive its preemptive rights in connection with the sale of the 15,000 shares of common stock by Virginia Company. Upon the consummation of the above described issue of 45,000 additional shares of common stock, Virginia Company will have outstanding 105,000 shares, of which 90,000 shares will be held by East Coast and 15,000 will be held by the public.

The plan, as amended, of East Coast then proposes to distribute pro rata to its stockholders the 90,000 shares of common stock of Virginia Company at the rate of three (3) shares for each share of East Coast stock outstanding. East Coast also proposes to distribute equally among its stockholders any cash remaining after the discharge of all its liabilities, including Federal taxes. Following this final cash distribution, East Coast will dissolve.

The Commission has been requested that if it approves the amended plan, such order or orders of approval shall contain recitable necessary to meet the requirements of the Internal Revenue Code, as amended, including Supplement R thereof.

The Commission has been further requested, in the event that this plan, as amended, is approved, to apply to the United States District Court for the District of Delaware for an order to enforce and carry out the provisions of said plan, as amended, and the steps incidental thereto.

III. The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted, to find after notice and opportunity for hearing that the plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected thereby; and it appearing appropriate that notice of the filing of the plan, as amended, and the application-declaration be given and a hearing held with respect to the plan, as amended, and with respect to the application-declaration and that said plan, as amended, should not be effectuated and that the said application-declaration should not be granted or permitted to become effective except pursuant to further order of the Commission; and

The Commission having heretofore instituted proceedings under section 11 (b) (2) of the act and applicants having heretofore submitted, pursuant to section 11 (e) of the act, a plan to effectuate compliance with section 11 (b) of the act and a public hearing having been held in said proceedings and the record therein continued subject to the call of the Trial Examiner; and

It appearing to the Commission that the evidence in the consolidated proceedings under sections 11 (b) (2) and 11 (e) of the act with respect to East Coast and its subsidiaries (File Nos. 59-90 and 54-85) is or may be relevant to the issues presented by the proposed plan, as amended, and the proposed matters in the application-declaration and that the prior proceedings and the proceedings in respect of the plan, as amended, and the application-declaration may involve common questions of law and fact and should be consolidated:

It is ordered, That the consolidated proceedings under File Nos. 59-90 and 54-85 and the proceedings with respect to the plan, as amended and with respect to the application-declaration be and the same hereby are, consolidated without prejudice, however, to the Commission's right upon its own motion or the motion of any interested party, to strike such portions of the record of the prior proceedings as may be deemed irrelevant, and without prejudice to the Commission's right upon its own motion or the motion of any interested party to separate for determination any of the issues involved in the consolidated proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That a hearing under the applicable provisions of the act and the rules and regulations thereunder be held at 10:00 a. m., e. d. s. t., on September 16, 1947, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in Room 318; and that any persons desiring to be heard in connection with this proceeding or proposing to intervene herein, shall file

[1] On May 1, 1947, the name of Virginia East Coast Utilities, Incorporated was changed to East Coast Electric Company.

with the Secretary of the Commission on or before September 13, 1947, his request and application therefor as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at any such hearing and is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the amended application and the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) of the act and is in all respects fair and equitable to the persons affected thereby;

(2) Whether, and, if so, in what manner, the plan, as amended, should be modified to insure adequate protection of the public interest and the interest of investors or consumers;

(3) Whether the proposed acquisition by East Coast of additional shares of Virginia Company's common stock meets the applicable requirements of section 10 of the act;

(4) Whether the proposed acquisition of the common stock of the Virginia Company by Floyd W. Woodcock in connection with the liquidation and dissolution of East Coast meets the standards of section 10 of the act;

(5) Whether the consideration to be paid by the underwriters including all fees, commissions or other remuneration, for the 15,000 shares of additional common stock of Virginia Company is reasonable;

(6) Whether the proposed issuance by Virginia Company of 30,000 shares of additional common stock and the credit of $300,000 to its capital surplus account meets the applicable provisions of the act and the rules and regulations promulgated thereunder;

(7) Whether the proposed issue and sale of 15,000 shares of additional common stock by Virginia Company is exempt from the provisions of sections 6 (a) and 7 of the act pursuant to section 6 (b) thereof and, if not, whether said issue and sale meets the requirements of section 7 of the act;

(8) Whether in the event the exemption provided by section 6 (b) is granted as to either or both issues of additional common stock of Virginia Company it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms or conditions in connection thereto;

(9) Whether the fees, commissions, or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

with the proposed transactions are proper, conform to sound accounting principles, and meet the standards of the act and rules thereunder;

(10) Whether the accounting entries proposed to be recorded in connection

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of filing the said amendment to the section 11 (e) plan and the application-declaration and of said consolidated hearing by mailing a copy of this notice and order by registered mail to East Coast Public Service Company, East Coast Electric Company, Floyd W. Woodcock, the State Corporation Commission of Virginia, and the Baltimore National Bank, as trustee, under the Virginia Company's bond indenture, and that notice of said matters shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That East Coast shall give additional notice of said consolidated hearing to all known holders of its outstanding common stock by causing a copy of this notice and order to be mailed to such holders at their last known addresses, such mailing to be made not less than 12 days prior to the date of the said consolidated hearing.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-8188; Filed, Sept. 4, 1947; 8:46 a. m.]

[File No. 70-1477]

PUBLIC SERVICE CO. OF INDIANA, INC.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION

At a regular meeting of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 27th day of August A. D. 1947.

The Commission, on July 10, 1947, having issued its order in the above matter (Holding Company Act Release No. 7554) granting, subject to certain conditions, the application of Public Service Company of Indiana, Inc. ("Public Service") with respect to the issuance and sale of $11,077,800 principal amount of its Fifteen-year 2¾% Convertible Debentures; and

Said application having provided that Public Service would sell, in such manner as the Commission may approve, either such principal amount of said debentures not purchased under subscription warrants issued to its common stockholders or such number of shares of common stock into which such debentures as are not so purchased are convertible and that Public Service would distribute, pro rata, to the holders of its common stock who failed to exercise within the prescribed period the warrants issued to them for the purchase of the convertible debentures, the net excess of the amount received from such sale over the total of the face or par value of securities sold, less any accrued interest; and

The Commission, on August 15, 1947, having issued a supplemental order (Holding Company Act Release No. 7652) authorizing and approving such sale by Public Service, at competitive bidding, of the principal amount of its Convertible Debentures not purchased pursuant to said subscription warrants, and, in connection therewith, having approved a shortening of the bidding period required by Rule U-50 to not less than five days; and

Said supplemental order having provided that said sale shall not be consummated until the results of competitive bidding have been supplied by a further amendment and a further order shall have been entered, which order may contain such further terms and conditions as may then be deemed appropriate; and

Public Service now having filed an amendment to its application which indicates that, in accordance with the authority granted in said orders of July 10, 1947 and August 15, 1947, it has offered for sale, at competitive bidding, $1,138,000 principal amount of said Convertible Debentures and has received bids therefor as set forth below:

Bidders	*Price to company (percent of face value)*[1]
Bear, Stearns & Co. Carl M. Loeb, Rhoades & Co.	111.259
The First Boston Corp. Eastman, Dillon & Co. Central Republic Company (Incorporated)	111.109
Schoellkopf, Hutton & Pomeroy, Inc. Weeden & Co., Inc.	110.55

[1] Plus accrued interest from August 16, 1947.

Said amendment having stated that, subject to the approval of this Commission, Public Service has accepted the bid of Bear, Stearns & Co. and Carl M. Loeb, Rhoades & Co. as set forth above, and the Commission having been advised that the successful bidders will offer said debentures for sale to the public at 111.75% of face value, resulting in an underwriting spread equal to .491% of face value; and

The Commission having examined said amendment and having considered the record relevant thereto and finding no basis for imposing terms and conditions with respect to the matters determined as a result of the competitive bidding:

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding, be, and hereby is, released, and that said application, as amended, be, and hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-8189; Filed, Sept. 4, 1947; 8:46 a. m.]

[File No. 70-1556]

COMMUNITY WATER SERVICE CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 28th day of August A. D. 1947.

In the matter of Community Water Service Company, Greenwich Water System, Inc., and Dedham Water Company' File No. 70-1556.

Community Water Service Company ("Community") an indirect subsidiary of American Water Works and Electric Company, Inc., a registered holding company, Greenwich Water System, Inc. ("Greenwich") a direct subsidiary of Community, and Dedham Water Company ("Dedham") a direct subsidiary of Greenwich, have filed a joint application-declaration, with two amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder regarding the following transactions:

Dedham, a water works company rendering service in the towns of Dedham and Westwood, Massachusetts, proposes to issue and sell, to John Hancock Mutual Life Insurance Company, $150,000 principal amount of First Mortgage Bonds, 3% series, due 1972, at a price of 100% of the principal amount plus accrued interest, and to issue and sell 3,830 shares of capital stock, par value $100 per share, to Greenwich for cash in the amount of $383,000. The proceeds from the sale of these bonds, together with other treasury cash, are to be used by Dedham to carry out a construction program which the company estimates will require the expenditure of $154,800 for the period from April 30, 1947 to December 31, 1948. The proceeds from the sale of the common stock are to be used by Dedham to discharge an open account indebtedness to Community in the amount of $100,000, and note indebtedness and open account indebtedness to Greenwich, in the total amount of $283,000.

Community proposes to increase its investments in Greenwich by making a capital contribution of $100,000 in cash to Greenwich. This amount will be added by Community to its investments in the common stock of Greenwich (100,000 shares, no par value, all owned by Community) and Greenwich will credit its capital surplus in like amount.

The filing, among other things, contains a copy of an order issued by the Commonwealth of Massachusetts, Department of Public Utilities, permitting the issuance of the bonds and common stock by Dedham.

The filing was made with this Commission on June 24, 1947 and the last amendment thereto on August 20, 1947. Notice of this filing was duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission has not received a request for hearing with respect thereto within the period specified in said notice, or otherwise, and has not ordered a hearing thereon.

The Commission finding in respect to this joint application-declaration that the applicable statutory standards are satisfied and that there is no basis for any adverse findings, deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective, and further deeming it appropriate to grant the request of applicants-declarants that this order be effective upon issuance:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that this joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8190; Filed, Sept. 4, 1947; 8:46 a. m.]

[File No. 70-1562]

DETROIT EDISON CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 28th day of August A. D. 1947.

The Detroit Edison Company ("Detroit Edison") a subsidiary of American Light & Traction Company, a registered holding company, having filed a declaration and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder with respect to:

(1) The issuance and sale, pursuant to the competitive bidding requirements of Rule U-50, of $60,000,000 principal amount of General and Refunding Mortgage Bonds, Series I, due September 1, 1982; and

(2) The use of the proceeds from the sale of the bonds (a) to redeem and retire its presently outstanding $30,000,000 principal amount of General and Refunding Mortgage Bonds, 4%, Series F due October 1, 1965 at 105% of the principal amount, (b) to retire all its bank loans which the company estimates will amount to $12,000,000 by the time the proposed issue and sale of Series I bonds is consummated, and (c) to finance necessary construction requirements; and

A public hearing having been held, after appropriate notice, with respect to said declaration, and the Commission having considered the record made and having filed its findings and opinion herein:

It is ordered, That said declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and subject to the further condition that the proposed issue and sale of bonds shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary

[F. R. Doc. 47-8191; Filed, Sept. 4, 1947; 8:46 a. m.]

[File No. 70-1567]

POTOMAC ELECTRIC POWER CO. AND WASHINGTON RAILWAY AND ELECTRIC CO.

ORDER CORRECTING ORDER CONCERNING LEGAL FEE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 22d day of August 1947.

The Commission having on August 14, 1947 issued its Supplemental Order releasing jurisdiction over the price to be paid for the new preferred stock of Potomac Electric Power Company, the dividend rate thereon and the underwriter's compensation and further releasing jurisdiction over certain fees and expenses incurred by Potomac Electric Power Company and Washington Railway and Electric Company in connection with these transactions, and it appearing necessary to correct the aforementioned order (published as Holding Company Act Release No. 7642)

It is ordered, That the following paragraph be deleted from said order of August 14, 1947:

It appearing that the legal fee in the amount of $8,000 and expenses of $350 of the firm of Cahill, Gordon, Zachry and Reindel, New York, as independent counsel for the underwriters and the estimated fees and expenses of Pepco in the amount of $73,770 (excluding $15,000 fee of Sullivan & Cromwell, New York, counsel for Pepco) and of Washington Railway in the amount of $22,712 are for necessary services and are not unreasonable; and it further appearing that the record is not complete with respect to the services performed by Sullivan & Cromwell, New York, counsel for Pepco;

and that the following paragraph be inserted so that the order reads in part:

It appearing that the legal fee in the amount of $8,000 and expenses of $350 of the firm of Cahill, Gordon, Zachry and Reindel, New York, as independent counsel for the underwriters, and the estimated fees and expenses of Pepco in the amount of $96,482 (excluding the $15,000 fee of Sullivan & Cromwell, New York, counsel for Pepco) are for necessary services and are not unreasonable; and it further appearing that the record is not complete with respect to the serv-

ices performed by Sullivan & Cromwell, New York, counsel for Pepco.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8187; Filed, Sept. 4, 1947; 8:45 a. m.]

[File No. 70-1602]

DERBY GAS AND ELECTRIC CORP. ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa. on the 27th day of August, A. D. 1947.

In the matter of Derby Gas & Electric Corporation, The Derby Gas & Electric Company, The Danbury and Bethel Gas and Electric Light Company, and The Wallingford Gas Light Company, File No. 70-1602.

Notice is hereby given that Derby Gas & Electric Corporation ("Derby") a registered holding company, and its subsidiaries, The Derby Gas and Electric Company, The Danbury and Bethel Gas and Electric Light Company, and The Wallingford Gas Light Company, have filed an application-declaration, and an amendment thereto, pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and the applicable rules thereunder.

Notice is further given that any interested person may, not later than September 5, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after September 5, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

As interested persons are referred to application-declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Derby proposes to borrow from The Equitable Life Assurance Society of the United States $200,000, to be evidenced by a promissory note bearing interest at the rate of 2¼% per annum and maturing on October 25, 1947. Of the $200,000, Derby will lend $175,000 to its aforesaid subsidiaries in order to permit said companies to meet additional costs of construction of gas facilities and to replenish their working capital, and the balance of $25,000 will be used by Derby for its own working capital purposes. The sums which said subsidiaries propose to borrow to replenish working capital will be advanced by Derby on open account without interest, and the sums to be borrowed for construction of such gas facilities will be evidenced by the issuance by said subsidiaries to Derby of promissory demand notes which will bear interest at a rate equal to Derby's cost of such funds. Upon completion of said gas construction program, said demand notes will be surrendered by Derby for cancellation in consideration of the issuance to Derby by each of said subsidiaries of common stock in an amount (taken at the par or stated value of $25 per share in each case) equal to the principal amount of said demand notes. The filing further states that Derby is arranging for permanent financing of said $200,000 promissory note in conjunction with the financing of the program of one of its subsidiaries for the construction of additions to its electric distribution system.

The applicants-declarants request that the Commission's order be issued herein as soon as possible, and become effective forthwith in view of the urgent need for the above funds.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8188; Filed, Sept. 4, 1947; 8:45 a. m.]

[File No. 70-1607]

CONSOLIDATED ELECTRIC AND GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 29th day of August A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to sections 6, 7, and 12 of the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder, by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company.

Notice is further given that any interested person may, not later than September 12, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of law and fact raised by said declaration which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. Any time after September 12, 1947, said declaration, as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) or Rule U-100.

All interested persons are referred to said declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Consolidated proposes to issue and sell at par, one year promissory notes, aggregating $6,000,000 face amount, and bearing interest at the rate of 2¾% per annum. These notes are to be sold to Central Hanover Bank and Trust Company, New York, New York and Continental Illinois Bank and Trust Company of Chicago, Chicago, Illinois in the amount of $3,000,000 to each bank. Consolidated also proposes to pledge, as security for said notes, certain portfolio securities of Consolidated and its direct and wholly-owned subsidiary, The Islands Gas and Electric Company. The proceeds from the sale of these notes, together with other corporate funds to the extent necessary, are to be used to redeem and retire bank notes of Consolidated, now outstanding in the total aggregate amount of $6,070,000, maturing November, 1948.

Among the stated reasons for the proposed new note issued is the effectuation of the releases of the common stock of Atlanta Gas Light Company ("Atlanta") a direct subsidiary of Consolidated, from the pledge securing the presently outstanding notes of Consolidated, this release being necessary in connection with a pending section (11 (e) plan of Consolidated (File No. 54-153)

The filing states that fees and expenses applicable to the proposed transactions will not exceed $1 000. Consolidated requests that the Commission's order permitting the declaration to become effective be issued as promptly as possible and become effective on the date of issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8193; Filed, Sept. 4, 1947; 8:46 a. m.]

[File No. 802-7-1]

MARINE MIDLAND GROUP, INC.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 28th day of August A. D. 1947.

The Commission on November 1, 1940, having entered an order pursuant to section 202 (a) (11) (F) of the Investment Advisers Act of 1940 declaring Marine Midland Group, Inc. not to be an investment adviser within the intent of section 202 (a) (11) of the act, with the proviso that the order would not relieve the applicant from the operation of the act if, at any time, the facts upon which the order was based should become materially changed;

Marine Midland Group, Inc. on July 22, 1946, having filed an application reciting material changes in the facts upon which the Commission's order of November 1, 1940, was based and seeking an order similar to that of November 1, 1940, and the Commission on September 3, 1946, having entered an order grant-

ing the said application for a period of one year;

The Commission's findings and opinion accompanying the said order of September 3, 1946, having indicated that the one-year limitation was predicated on the fact that the application described a proposed course of conduct with respect to the applicant's investment advisory activities, rather than a plan already in operation, with the result that there were no data available upon which the Commission could make the findings contemplated by section 202 (a) (11) (F) that the applicant was not an investment adviser within the intent of section 202 (a) (11) of the act; and

Marine Midland Group, Inc. on August 1, 1947, having filed a similar application setting forth the following with respect to its investment advisory activities:

1. The applicant is a New York corporation with 19 shares of stock outstanding. These 19 shares are beneficially owned by a group of 19 banks and trust companies, which are controlled through stock ownership by Marine Midland Corporation, a holding company affiliate of the applicant within the definition of the Banking Act of 1933.

2. Except to the extent indicated in paragraph five below, the applicant furnishes its services exclusively and directly to the 19 banks and trust companies. These services to the banks and trust companies consist of supervision and advice in connection with their banking business, including their investments as fiduciaries, and advice with respect to the accounts of their individual investment advisory customers. With respect to the latter service, the individual banks and trust companies enter into investment advisory contracts with their individual customers and receive the full fees thereunder.

3. The 19 banks and trust companies as of July 30, 1947, had a total of 34 investment advisory accounts.

4. The services are performed pursuant to contract whereby the expense of the applicant's operations is allocated ratably among the 19 stockholding banks and trust companies.

5. In the period of approximately ten months covered by the present application, officers of the applicant had on two occasions conferred directly with individual investment advisory customers of the banks and trust companies.

6. The applicant and its stockholding banks and trust companies propose in the future to continue the investment advisory service to public customers in accordance with the policies and practices followed to date.

The Commission on the basis of the facts submitted in the said application finds, pursuant to section 202 (a) (11) (F) that Marine Midland Group, Inc. is not an investment adviser within the intent of section 202 (a) (11) of the act.

Accordingly it is ordered, Pursuant to Section 202 (a) (11) (F) that the application of Marine Midland Group, Inc. be, and the same is, hereby granted, with the proviso that this order will not relieve the applicant from the operation of the act if, at any time, the facts upon which the order is based should become materially changed.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8192; Filed, Sept. 4, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong.; 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 7961, Amdt.]

VERMOEGENSVERWALTUNG UND ABWICKLUNGSSTELLE G. M. B. H.

In re: Debt, bank accounts, certificates of deposit, stocks and bonds owned by Vermoegensverwaltung und Abwicklungsstelle G m. b. H.

Vesting Order 7961 dated January 7, 1947, is hereby amended as follows and not otherwise:

a. By deleting from Exhibit B, attached thereto and by reference made a part thereof, the following description set forth with respect to bonds of the National Railways of Mexico:

National Railways Mexico Extended 6% Secured Gold Notes Series A, due Jan. 1, 1953:	
N 28583	45.00
N 28886 to N 28899 inclusive (each)	45.00
N 27113 to N 27123 inclusive (each)	45.00
N 27134 to N 27147 inclusive (each)	45.00
N 27085 to N 27094 inclusive (each)	45.00
N 3066 to N 3070 inclusive (each)	45.00
N 2072 (each)	45.00
N 27152 to N 27163 inclusive (each)	45.00
N 27095 to N 27102 inclusive (each)	45.00
N 27109 to N 27112 inclusive (each)	45.00
N 27128 to N 27133 inclusive (each)	45.00
N 27164 to N 27177 inclusive (each)	45.00

and substituting therefor the following:

National Railways Mexico Extended 6% Secured Gold Notes Series A, due Jan. 1, 1953, with warrants Nos. 4 to 9, and undated coupons attached.	
22453	45.00
22775	45.00
24654	45.00
24677 to 24679 inclusive (each)	45.00
24761 to 24789 inclusive (each)	45.00
24796 to 24810 inclusive (each)	45.00
24815 to 24834 inclusive (each)	45.00
24339 to 24864 inclusive (each)	45.00
28286 and 28287 (each)	45.00
31991	45.00
33215	45.00

All other provisions of said Vesting Order 7961 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-8215; Filed, Sept. 4, 1947; 8:49 a. m.]

[Vesting Order 9629]

YAMAMOTO COTTON CO., LTD.

In re: Debt owing to Yamamoto Cotton Co., Ltd., F-39-743-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yamamoto Cotton Co., Ltd., the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan),

2. That the property described as follows: All those debts or contractual obligations owing to Yamamoto Cotton Co., Ltd., by J. Kahn & Co., Inc., 1203 Cotton Exchange Building, Dallas, Texas, including particularly but not limited to the amount of $29,614.18, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-8203; Filed, Sept. 4, 1947; 8:48 a. m.]

[Vesting Order 9657]

TATSUJI KAWASHIMA

In re: Bank account owned by Tatsuji Kawashima. F-39-1851-C-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

tive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tatsuji Kawashima, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation of The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a fixed time certificate of deposit account, evidenced by Dollar Receipt No. 65004, Receiver's Liability No. 3574, entitled Kingoro Kawashima, guardian of Tatsuji Kawashima, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Tatsuji Kawashima, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-8204; Filed, Sept. 4, 1947; 8:48 a. m.]

[Vesting Order 9658]

KAZUMI KINOSHITA

In re: Bank account owned by Kazumi Kinoshita. F-39-5988-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kazumi Kinoshita, whose last known address is Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt and other obligations owing to Kazumi Kinoshita, by The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a savings account, evidenced by Receiver's Liability Number 1249, entitled Kazumi Kinoshita, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-8205; Filed, Sept. 4, 1947; 8:48 a. m.]

[Vesting Order 9676]

ROSE HOLUB DILLON ET AL.

In re: Rose Holub Dillon vs. Dan Nyckos et al. File D-34-866; E. T. sec. 14346.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Holub, Rudolph Holub, Julia Holub Nagy and Kate Jancsik, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled: "Rose Holub Dillon vs. Dan Nyckos et al., No. 9921" in the Circuit Court of St. Clair County, Illinois, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary),

3. That such property is in the process of administration by Curt C. Lindauer, Master-In-Chancery, acting under the judicial supervision of the Circuit Court of St. Clair County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-8206; Filed, Sept. 4, 1947; 8:48 a. m.]

[Vesting Order 9683]

KATIE NYCKOS

In re: Estate of Katie Nyckos, deceased. File D-34-865; E. T. sec. 14346.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Holub, Rudolph Holub, Julia Holub Nagy and Kate Jancsik, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Katie Nyckos, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Hungary)

3. That such property is in the process of administration by Alice D. Classen, Administratrix de bonis non, acting under the judicial supervision of the Probate Court of St. Clair County, Belleville, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F R. Doc. 47-8207; Filed, Sept. 4, 1947; 8:48 a. m.]

[Vesting Order 9685]

IDA BUCHHOLZ KOWALSKY

In re: Estate of Ida Buchholz Kowalsky, deceased. File D-28-9215; E. T. sec. 12014.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Arndt, Kurt Arndt, Robert Arndt, Helmuth Arndt, Elisabeth Schmidt, Herman Rock, Hans Rock, Paul Arndt, Ida Arndt and Greta Arndt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the sum of $3,081.44 was paid to the Attorney General of the United States by Hugo Arndt, administrator de bonis non with the will annexed, of the estate of Ida Buchholz Kowalsky, deceased;

3. That the said sum of $3,081.44 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which has evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on March 17, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-8208; Filed, Sept. 4, 1947; 8:48 a. m.]

[Vesting Order 9694]

LISY FEIGEL

In re: Bank account owned by Lisy Feigel. F-28-9675-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lisy Feigel, whose last known address is Darmstadt, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Lisy Feigel, by The Chauncey Real Estate Company, Ltd., in the amount of $1,670.34 as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lisy Feigel, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-8209; Filed, Sept. 4, 1947; 8:48 a. m.]

[Vesting Order 9695]

ROSA AND SANITA HOWE

In re: Bank accounts owned by Rosa Howe and Sanita Howe. F-28-25787-A-1, F-28-25787-C-1, F-28-1007-C-1, F-28-1007-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosa Howe and Sanita Howe, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation of The Northern Trust Company, 50 S. LaSalle Street, Chicago 90, Illinois, arising out of a Blocked Account, account number 422035, entitled The Estate of Lina Howe, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The Northern Trust Company, 50 S. LaSalle Street, Chicago 90, Illinois, arising out of an Account, bearing number 384318, entitled David Dangler, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Sanita Howe, the aforesaid national of a designated enemy country (Germany),

3. That the property described as follows: That certain debt or other obligation owing to Rosa Howe, by The Northern Trust Company, 50 S. LaSalle Street, Chicago 90, Illinois, arising out of a Blocked Account, account number 422025, entitled Rosa Howe, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Rosa Howe, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-8210; Filed, Sept. 4, 1947; 8:48 a. m.]

[Vesting Order 9698]

MIYAGUCHI AND CO.

In re: Bank account owned by Miyaguchi and Company. F-39-513-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Miyaguchi and Company, the last known address of which is 393 Shinmen Toyonaka-Shi, Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Osaka, Japan, and is a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Miyaguchi and Company, by First National Bank & Trust Company, Greenfield, Massachusetts, arising out of a checking account, entitled Miyaguchi and Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8311; Filed, Sept. 4, 1947; 8:48 a. m.]

[Vesting Order 9699]

GERTRUDE S. RAUCHLE

In re: Bank account owned by Gertrude S. Rauchle, also known as Mrs. Christian Rauchle and as Gertrude Schreitmuller. F-28-13287-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9783, and pursuant to law, after investigation, it is hereby found:

1. That Gertrude S. Rauchle, also known as Mrs. Christian Rauchle and as Gertrude Schreitmuller, whose last known address is Backnang, Wurttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Gertrude S. Rauchle, also known as Mrs. Christian Rauchle and as Gertrude Schreitmuller, by Boston Safe Deposit and Trust Company, 100 Franklin Street, Boston, Massachusetts, arising out of a Checking Account, entitled Gertrude S. Rauchle, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8212; Filed, Sept. 4, 1947; 8:48 a. m.]

[Vesting Order 9702]

MARIE SCHUELER ET AL.

In re: Bank accounts owned by Marie Schueler, also known as Maria Schueler and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is as set forth in Exhibit A, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: Those certain debts or other obligations of Trust Company of New Jersey, 35 Journal Square, Jersey City 6, New Jersey, arising out of the savings accounts, entitled and numbered as set forth opposite the names of the persons listed in the aforesaid Exhibit A, maintained at the branch office of the aforesaid bank located at Union City, New Jersey, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and last known address of owner	Title of account	Account No.	OAP file No.
Marie Schueler, also known as Maria Schueler, Darmstadt, Germany	William J. Topken, as attorney in fact for Marie Schueler, as a national of Germany.	65209	F-28-3043-C-1
Thekla Stroh, also known as Tekla Stroh, Friedberg/Hessen, Germany	William J. Topken, as attorney in fact for Thekla Stroh, as a national of Germany.	65208	F-28-3044-C-1
Amalie Bielefeld, also known as Amelia Bielefeld, Bremen, Germany	William J. Topken, as attorney in fact for Amalia Bielefeld, as a national of Germany.	65203	F-28-7039-C-1
August Bielefeld, Osnabruck, Germany	William J. Topken, as attorney in fact for August Bielefeld, as a national of Germany.	65202	F-28-7041-C-1
Marie Bielefeld Ohmann, also known as Marie Bielefeld Ohman, Bremen, Germany.	William J. Topken, as attorney in fact for Marie Bielefeld Ohmann as a national of Germany.	65204	F-28-7042-C-1
Henriette Dunst, also known as Henriette Dunst, Stohentin, Germany, and Johanna Plinske, Stolp, Germany.	William J. Topken, as attorney in fact for Henrietta Dunst and Johanna Plinske	65137	F-28-25422-C-1 F-28-25423-C-1
Auguste Schlumberger, Giessen, Germany	William J. Topken, as attorney in fact for Auguste Schlumberger, as a national of Germany.	65300	F-28-26504-C-1
Friedrich Loercher, Heilbronn, Germany; Hermann Loercher, Heilbronn, Germany; Julie Schoen, also known as Wilhelmine Julie Schoen, Heilbronn, Germany; Marie Weber, also known as Marie Louise Weber, Heilbronn, Germany.	William J. Topken, as attorney in fact for Friedrich Loercher, Hermann Loercher, Julie Schoen and Marie Weber as nationals of Germany.	65277	F-28-26503-C-1 F-28-26505-C-1 F-28-26504-C-1 F-28-26524-C-1

[F. R. Doc. 47-8213; Filed, Sept. 4, 1947; 8:49 a. m.]

[Vesting Order 9703]

CHARLOTTE MUHLER

In re: Bond and mortgage, senior participating interest in bond and mortgage, property insurance policies and claim owned by Charlotte Muhler, also known as Margarete Charlotte Muhler, as Charlotte M. Weiss and as Margarete Charlotte Weiss.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Muhler, also known as Margarete Charlotte Muhler, as Charlotte M. Weiss and as Margarete Charlotte Weiss, whose last known address is Georgstrasse 20 (14B) Ravensburg/Wttbg., Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. A mortgage executed October 3, 1923, by Adolphus Broberg and Alfreda S. Broberg, his wife, to Henry C. Davison, and recorded on October 4, 1923, in the Office of the Register of Kings County, New York, in Liber 5501 of Mortgages, at Page 169, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations, and the right to possession of the aforesaid mortgage and all notes, bonds and other instruments evidencing such obligations,

b. The senior participating interest in a mortgage to the extent of $2,000.00, as of April 1, 1947, which mortgage was executed on April 14, 1927, by Vincenzo Nava and Giuseppina Nava, his wife, to Title Guarantee and Trust Company, and recorded on April 15, 1927, in the Office of the Register of Kings County, New York, in Liber 6688 of Mortgages, at Page 331, and any and all obligations secured by the aforesaid interest in said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

c. All right, title and interest of the person named in subparagraph 1, in and to the following insurance policies:

Policy No. 844552, issued by the American Alliance Insurance Company, 1 Liberty Street, New York, New York, in the amount of $5,000.00, which policy expires on June 4, 1949, and insures the property subject to the mortgage described in subparagraph 2-a hereof,

Policy No. 25038, issued by the Citizens Insurance Company of New Jersey, 117 Main Street, Flemington, New Jersey, in the amount of $5,000.00, which policy expires on April 9, 1949, and insures the property subject to the mortgage described in subparagraph 2-a hereof, and

Policy No. 342952, issued by the National Liberty Insurance Company of America, 59 Maiden Lane, New York, New York, in the amount of $3,500.00, which policy expires on March 11, 1948, and insures the property subject to the mortgage described in subparagraph 2-b hereof, and

d. That certain debt or other obligation owing to Charlotte Muhler, also known as Margarete Charlotte Muhler, as Charlotte M. Weiss and as Margarete Charlotte Weiss, by Wise & Ottenberg, 475 Fifth Avenue, New York, New York, arising by reason of interest and payments of principal collected on the mortgages described in subparagraphs 2-a and 2-b hereof, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a to 2-d above, inclusive, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-8214; Filed, Sept. 4, 1947; 8:49 a. m.]